PATTERNS
OF
POWER

The Investiture Contest

Gregory VII, Henry IV, and the Antipope Clement III

1046 — 1077 — 1122

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with Claude (Anthropic)

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Held as tested, not revealed.
A case study in the Patterns of Power series.

Primary sources quoted exactly; modern scholarship paraphrased and credited.
Contested figures given as ranges. Nothing reconstructed from memory.

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PREFACE AND OUTLINE

Front matter · how this study was made, the disciplines it holds itself to, and a map of its fourteen parts

The collaboration

This is a case study in the Patterns of Power series, applying the series' framework to the Investiture Contest — from the Synod of Sutri in 1046, where an emperor deposed three popes and appointed the first of four, through the excommunications of 1076 and 1080 and the election of the antipope Clement III, to the Concordat of Worms in 1122. The framework is a lens for reading how any order of power is founded, dressed and held: the floor of force beneath every order, the robe of doctrine laid over the floor to make the force cheap, the settlement that divides the spoils, the cost column in which each subject prices defection, the seam through which a people's beliefs are managed, the default by which an elite coordinates without instruction, and — running under all of it — position logic, the proposition that rulers in like positions converge on like answers because a position poses a problem with only a few good solutions.

The study was built one module at a time. The author brought the framework, the direction and the judgement of the whole, and held the collaboration to its disciplines; Claude, Anthropic's model, did the research — verifying load-bearing quotations, dates and figures by search against sources reproducing the primary text before any module was written — and produced the drafts. Where the research contradicted the framework's expectation, the research was followed and the expectation revised.

What this case isolates

This study is the second half of an experiment, and it was chosen because of the first half.

The preceding case in this series examined the Great Seljuk Empire and its guardianship of the Abbasid Caliphate, and found a conquest dynasty that spent enormous sums on the premises, payroll, curriculum and prestige of an interpretive

class and never acquired its certification — because in that civilisation the licence to teach and to give legal opinions passed from one named master to one named student, on no formal criteria, by a grant nobody could compel. There was no office to seize, and consequently there was no investiture controversy: not because the question of who authorises whom was resolved, but because there was no prize.

Latin Christendom in the same generation had a prize. A priest is made by ordination performed by a bishop; a bishop by consecration performed by bishops; and the *Dictatus papae* of 1075 states flatly that canonical ordination *makes* the man holy. The credential is conferred by an office, by a procedure. Whoever controls the office controls the credential — and the fifty years of war examined here are what happens when two parties work that out at the same time.

Everything that distinguishes the two civilisations' religious politics for the next five centuries follows from that one difference, and the study exists to trace it: why the Latin church acquired a centre and the *ʿulamāʾ* never did, why one could be captured by princes in the sixteenth century and the other never was, and why one could speak with a single voice and the other could not. Those are the same property, described twice.

The case also supplies a second finding the Islamic study could not have produced, because the Islamic instrument does not have the relevant feature. The caliph's investiture was discretionary — he could grant, delay or decline, and the doctrine that legalised the arrangement has the amīr seize first and the caliph invest afterwards. A pope's absolution is not discretionary. A priest may not refuse absolution to a penitent, and in January 1077 a king who could not bribe Gregory VII and could not reach him with an army stood barefoot outside a castle for three days and obtained by ritual compliance exactly what the Seljuk sultans obtained with gold. Gregory's own account says he was conquered at last. **A discretionary instrument is attacked by capturing its issuer; a compulsory one is attacked by satisfying its conditions**, and the difference organises the whole comparison.

The problem of the sources

The documentary position here is the opposite of the Islamic one and creates the opposite difficulty.

The Seljuk study had to be built around a legal treatise because its most famous narrative source is of disputed authorship. This study has an embarrassment of exactly datable documents, quotable in the original, whose texts are secure: the *Dictatus papae* in Gregory's register, Henry IV's letter of 24 January 1076, the deposition of 22

February 1076, Gregory's own account of Canossa written five days after it, the Brixen decree of 25 June 1080, the investiture decrees, and both halves of the Concordat of Worms. Ernest Henderson's translations of 1896 are out of copyright and are used where a translation of my own would add nothing.

The difficulty is that **almost every one of these documents is a weapon.** This was a war conducted principally in writing, between the only two parties in Europe who could write, both of whom regarded the composition of the record as a phase of the fighting. The polemical literature — the *Libelli de lite* — runs to volumes. The chronicles are partisan without exception. The Brixen decree accuses Gregory of poisoning four popes.

The study's response is to use such documents for what their authors had no motive to misdescribe. The Brixen decree's charges are worthless; its statement of procedure — that the bishops' sentence must precede the material sword *so that the royal power might afterwards, with more right, declare him an object of pursuit* — is the clearest description of the mechanism in the whole case, because a party setting out its own method has no reason to get it wrong. That principle is applied throughout, and where it cannot be applied the source is flagged.

What does not survive is any testimony from outside the quarrel. No figures for casualties, for the sack of Rome, for the clergy displaced by the continence decrees, or for the Rhineland dead of 1096 are given anywhere in this study, because none exists that can be relied upon.

The disciplines

Five rules govern every module.

Quotation. Public-domain primary sources — decrees, letters, synodal records, treaties — are quoted exactly, in the original where the wording is the evidence, because in a legal fiction the precise words are the argument. Modern copyrighted scholarship is paraphrased briefly and credited.

No fabrication. No quotation, date, attribution or figure is invented or reconstructed from memory. Contested points are flagged as contested: whether Gregory's election of 1073 followed the procedure of 1059, whether Henry performed a formal canonical penance at Canossa, and which recension of the 1059 decree is authentic are all left open, because they are open.

Gravity without partisanship. Suffering is held with weight and neither dramatised nor discounted, and neither the reform nor the empire is flattered or demonised.

Legibility is not pardon. Explaining how a party made its violence lawful is the opposite of excusing it.

Held as tested, not revealed. The pattern is a tendency, never a law, and is corrected wherever the record refuses it.

What this case added to the framework

The central contribution is the distinction between discretionary and compulsory instruments of authorisation, set out above and developed in Modules 8 and 12: that a source of title bound by its own doctrine can be *compelled to issue*, that its conditions of validity are therefore an attack surface available to anyone willing to satisfy them, and that its strength and its vulnerability are the same property.

Beneath that, a series of findings the case forced. That an office of authorisation filled by the party it authorises conveys nothing, since the property that makes an authorisation valuable is the impossibility of the beneficiary having produced it — which is what the reformers grasped before they had words for it, and what the imperial popes of 1046–55 conspicuously lacked. That when two authorities each claim to be judged by God alone, the decisive question is who performed the ceremony that conferred the claim, and whoever received his immunity from his opponent holds a claim his opponent may revoke by reinterpretation. That an authority with no floor can function for decades by *converting* other men's violence rather than supplying its own, determining whether a killing is an execution or a murder — and that such an authority can obtain force only by licensing it, never by owning it, the two being distinguishable by whether the force disperses when the occasion ends.

That a coordination weapon which works by resetting expectations is spent by use, because each use is itself information about the weapon, and that deploying it over the heads of an intermediate class transfers power to that class permanently. That where two parties make incompatible and individually accurate claims about one object, a settlement becomes available the moment somebody invents a distinction making it two objects — and that such a settlement must satisfy not the negotiators but the parties whose cooperation executes it, as the collapse of 1111 demonstrated. That where an authority can define an offence everybody has committed, it acquires a discretionary power over everybody, and compliance would destroy the instrument.

That the location of a credential — in an office or in a person — determines not merely whether a state can capture an interpretive class but whether that class can be organised at all, institutional credentials producing hierarchies, jurisprudence and vulnerability to capture, and personal ones producing networks, resilience and an

incapacity to speak with one voice. That an authority which must persuade at a distance is thereby driven to build the apparatus of public argument, and that the critical technique so created will eventually reach its own foundations. That a manufactured source of title can outrun the visibility of its manufacture if it is occupied long enough, so that a rival's correct move is to act early and physically — which is what Paschal II did to Clement III's bones. That liberties won in competitive bidding between two authorities are asymmetric across the population and dated to the contest. And that a capability conferred on the governed cannot be revoked as a grant can, which is why the instruction to refuse an unworthy priest's mass could be withdrawn and the competence it created could not.

The arc

A landscape opening and twelve modules, each with a framework function and its own title.

Landscape — the two orders on the eve. *The Emperor Made Four Popes.* A church that was the German crown's principal instrument of government, a Roman see whose occupants the emperor appointed, and a reform party quietly redesigning the one thing a king could not be allowed to keep.

1 — The Floor of Force. *Before the Material Sword.* The party with no army going first, twice; the sentence in which its enemies described the machine exactly; and the Normans who saved a pope's life and cost him his city.

2 — The Settlement. *Through the Lance.* A bishopric as a bundle nobody had needed to untie, the pure solution of 1111 destroyed within an hour by its own beneficiaries, and the change of object that ended the war.

3 — The Robe. *That He May Be Judged by No One.* Twenty-seven propositions never published, the property they were written to protect, and a letter that answered them by claiming the identical immunity for the king.

4 — Formation. *The Same Authorities, in the Same Order.* A credential that could actually be taken, a discipline invented to keep a caste unheritable, and two pamphlets quoting the same fathers in the same sequence to opposite conclusions.

5 — The Cost Column. *Whose Mass to Hear.* A bishop with two masters who could each ruin him, a priest whose marriage was annulled by a decision taken hundreds of miles away, and an emperor who could not procure his own burial.

6 — Extraction. *Without Any Exaction.* What a bishopric yielded and to whom, simony as a charge that everybody was liable to, and the three words in the Concordat that record what the money in the quarrel had been.

7 — Information and Suppression. *The Books of the Quarrel.* The first pamphlet war in European history, an authority whose only organ was a message, and what happened when both sides went into the archives at once.

8 — Elite Coordination and the Default. *I Absolve All Christians from the Bonds of the Oath.* A weapon aimed at expectations rather than at a king, the winter it worked, the winter it did not, and the discovery at Canossa that the instrument was compulsory on its own issuer.

9 — Plurality or Foreclosure. *A Choice of Masses.* Counterweights bought in a bidding war that ended in 1122, and the one competence handed downward to people who owned nothing.

10 — Change and Collapse. *His Bones in the Tiber.* A pope dead in exile among his own mercenaries, an antipope venerated as a saint and exhumed for it, and the invention of an army out of nothing.

11 — The Grim Accounting. *The City They Came to Save.* Two columns that do not net, and a record produced by the combatants as a phase of the fighting.

12 — Convergence and Divergence. *The Certificate and the Licence.* The same problem solved twice in one generation at opposite ends of the Mediterranean, and the strongest case for the reform, stated fully and answered — ending on what the instrument becomes in the hands of a man who uses it to the limit.

LANDSCAPE

THE EMPEROR MADE FOUR POPES

Landscape · the two orders on the eve — a church that was the German crown's chief instrument of government, a Roman see whose occupants the emperor appointed, and a reform party quietly redesigning the one thing a king could not be allowed to keep

The order that was already there

Begin with the recursion, because Latin Christendom in 1050 is a naturalised former conquest and the study will read it wrongly if that is forgotten.

The faith of the Rhineland and Saxony had been installed by force within living historical memory. Charlemagne's Saxon wars ran a generation; the *Capitulatio de partibus Saxoniae* prescribed death for refusing baptism, for eating meat in Lent, for burning the dead in the pagan manner. Three centuries later nobody in Saxony experienced Christianity as an imposition, because the men who could have remembered otherwise were long dead and the calendar, the oath, the court, the plough-year and the shape of a lifetime were all Christian and had been for as long as anyone's great-grandfather could say. That is the ordinary and successful case: a thing that was built and then became real, which is a more durable object than a lie.

Two further builds sat on top of it. The Carolingian settlement of the eighth century had married the Frankish crown to the Roman see in a transaction each side afterwards described as a gift from itself — Pippin protecting the pope, the pope legitimating Pippin — and in 800 a Frankish king was crowned emperor in Rome by a pope who had been rescued by him a year earlier. And underneath the whole arrangement lay a document. The *Constitutum Constantini*, the Donation of Constantine, purported to record the first Christian emperor's grant to Pope Sylvester of primacy over the other patriarchates and of temporal dominion over Rome and the western provinces. It was a forgery, produced in the eighth century, and it was not exposed until Lorenzo Valla's philological demonstration in 1440.

Hold that fact where it can be seen for the rest of this study. **A manufactured instrument of authority worked for six hundred years because nobody could see**

the hand that made it. It was cited in good faith by men who would have been horrified to know. What destroys a constructed authority is not that it was constructed but that the construction becomes visible — and in the eleventh century, when both parties to a quarrel began ransacking the archives for texts, that became a live danger to everybody.

What a German bishop was

Now the order the reform ran into, and it has to be described in material terms rather than devotional ones.

A bishopric in the German kingdom was not primarily a cure of souls. It was a great lordship. The Ottonian and Salian kings had endowed their sees and royal abbeys with lands, forests, mints, tolls, markets, immunities and whole counties, and in exchange the bishops did what magnates do: they supplied armed contingents for the king's campaigns, they entertained the itinerant court at their own expense, they staffed the chapel out of which the chancery was run, and they governed. The historians' term for this is the *Reichskirchensystem*, the imperial church system.

The logic of it was a single fact about celibate men. A duke's son inherits; a bishop's does not. Every bishopric the crown endowed was a great block of land and jurisdiction which returned to the king's disposal at the holder's death, and which could therefore never harden into a rival dynasty. This is the settlement device at the heart of the whole German order: **an aristocracy of office rather than of blood, whose non-heritability is guaranteed by a religious rule.**

Timothy Reuter's reconsideration of the *Reichskirchensystem* is the necessary caution and should be carried throughout. The arrangement was less systematic than the older literature made it, less uniquely German than it looks — French, English and Italian rulers also appointed bishops and drew on church resources — and the bishops were aristocrats with their own kindreds and interests, not civil servants. What is not in doubt is that the German king appointed, that the appointment was made by handing the new bishop the ring and the pastoral staff, and that the men so appointed held a very large share of the kingdom's land and supplied a very large share of its soldiers.

Which means that any reform that took the appointment of bishops out of the king's hands was not an adjustment to a religious procedure. It was the confiscation of the German crown's principal instrument of government. Everything that follows — the violence of Henry IV's reaction, the willingness of the German episcopate to depose a pope, the thirty-year war — is unintelligible unless that is held steadily in view.

The see they were quarrelling over

And what was the Roman see, in the decades before the quarrel? It was an object the emperor disposed of.

In 1046 there were three men claiming to be pope. Benedict IX, of the house of Tusculum, had held the office, sold it, and then wanted it back; Sylvester III had been set up against him; Gregory VI had bought it from Benedict, in what he seems to have regarded as a rescue and everyone else regarded as the purest simony. Henry III came south, convened a council at Sutri, and settled the matter by removing all three. He then appointed a German, Suidger of Bamberg, as Clement II, who crowned him emperor.

He did it three more times. Damasus II in 1048. Bruno of Toul, his own kinsman, as Leo IX in 1049. Gebhard of Eichstätt as Victor II in 1055. **The emperor made four popes in nine years, and the fourth was still his own chancellor's colleague when he died.**

That is the position from which this whole story starts, and it is the exact structural mirror of the eleventh-century caliphate: an office of universal spiritual authority, in the physical custody of an armed prince who appointed its occupants. The difference — and it is the difference the study exists to trace — is what happened next.

The men who saw the problem

Because the popes Henry III appointed were reformers, and the reform they brought with them contained a proposition that would eventually make the emperor's appointment of popes unthinkable.

The movement had been building for a century in the monasteries — Cluny, and the Lotharingian houses — and it had two visible targets and one invisible one. The visible targets were **simony**, the buying and selling of ecclesiastical office, named after Simon Magus who offered the apostles money for the Holy Spirit; and **nicolaitism**, the marriage or concubinage of the clergy. Peter Damian and Humbert of Silva Candida wrote against both with a violence that reads today as pathological and read then as urgency.

The invisible target was underneath both. If an office is bought, the buyer's title comes from the seller. If a priest has a family, his benefice will pass to his son. Both practices, pursued to their conclusion, convert the church into a set of heritable properties held from lay lords — which is precisely what, across most of Europe, it had

already become. **Simony and clerical marriage were not two separate vices; they were the two mechanisms by which the church was being absorbed into the lay property system**, and the reformers, whatever they said about sin, were attacking a structure.

And that attack led inexorably to the appointment question. A bishop who receives his ring and staff from a layman has received the sign of his spiritual office from a man who does not hold that office. Humbert of Silva Candida drew the conclusion in the 1050s in his *Adversus simoniacos*: lay investiture is itself simony, whether or not money changes hands.

The decree of 1059

Then, in April 1059, the reform did something that ought to be recognised for what it was.

Nicholas II, in the Lateran, promulgated *In nomine Domini*, and its operative clause put the election of the pope in the hands of the cardinal bishops, with the remaining clergy and the Roman people assenting rather than choosing. It provided that the candidate be taken from the Roman church if a suitable man could be found there, and from another if not. And then it added the clause that would be fought over for the next fifty years:

> *...salvo debito honore et reverentia dilecti filii nostri Henrici, qui inpraesentiarum rex habetur et futurus imperator Deo concedente speratur, sicut iam sibi concessimus et successoribus illius, qui ab hac apostolica sede personaliter hoc ius impetraverint.*
>
> *...saving the honour and reverence due to our beloved son Henry, who is at present held to be king and is hoped, God granting, to be emperor in future, as we have already granted to him, and to those of his successors who shall have personally obtained this right from this apostolic see.*

Read the second half of that clause slowly, because it is one of the most elegant pieces of legal engineering in this collection. The emperor's role in papal elections is preserved — and in the same breath it is reclassified. It is no longer a right the emperor holds; it is a **concession the apostolic see has granted him**, personally, which his successors must personally obtain from that same see. What had been the constitution of Christendom has become a papal favour, revocable in principle by the party that grants it, and conditional on an application nobody had previously had to make.

The text is contested. There is an imperial recension which reads far more favourably to the crown, and a papal one; Detlef Jasper's study of the transmission is

the modern authority, and the study takes no view beyond noting that the existence of two recensions is itself the point. **Both parties understood that whoever controlled the wording of this clause controlled who could make a pope**, and both produced the wording they needed.

Twenty-one years later, at Brixen, Henry IV's bishops would quote this decree against the man who had helped draft it.

Hildebrand

The man who had helped draft it was a Roman clerk of obscure origins named Hildebrand, who had served every reforming pope since Gregory VI, had been archdeacon of the Roman church, and who on 22 April 1073 — with the body of Alexander II still unburied, in circumstances his enemies would describe as a coup and his friends as an acclamation — became Gregory VII.

He was not, on the evidence, elected by the procedure of 1059.

That fact is the hinge of everything the imperial side would later say, and it should be recorded without either excusing or exaggerating it. The Brixen decree of 1080 would allege armed men at the gates, threatened swords, terrified clergy and a chair carried by assault. It is a hostile document written to justify a deposition. But its central legal charge is not a matter of atmosphere: it is that Hildebrand became pope without the consent required by the decree of Nicholas II, which he had himself approved — and that under the terms of that decree, a man who does so *pro papa non habeatur sed apostata*, is to be held no pope but an apostate.

The reform's own instrument, drafted to make the papacy unforgeable, was the sharpest weapon available against the reform's greatest pope.

Reading the eve against the framework

On the recursion, with a caution the case forces. Latin Christendom in 1050 satisfies the ordinary condition: an order installed by force three centuries earlier, naturalised so completely that its origin was invisible and its content was simply the shape of the world. But note where the naturalisation had and had not reached. That Christ was God, that the sacraments saved, that the church was the ark — settled, universal, formed in infancy, defended without argument. **What was not settled was who the church was.** Whether a bishop appointed by a king was a bishop; whether a married priest's mass conveyed grace; whether the pope could judge an emperor; whether the emperor could judge a pope. Every one of those was genuinely open in 1050 and would be fought over with armies.

That is the same condition the Seljuk case displayed and it is worth naming as a general shape rather than a coincidence: **belief and constitution naturalise on separate schedules, and an order can be a thousand years old in its creed and undecided in its structure.** A study that reads universal faith as evidence of settled institutions will misdate every crisis in this century.

And the contribution, which is about what an author of title is worth when the party it authorises appoints it. The Abbasid caliph's endorsement was worth buying because no sultan could have written it. The Roman see in 1046 was in the opposite condition: its occupant had been chosen by the emperor, at an imperial council, and had crowned the man who chose him. An investiture issued by such a man is not an authorisation; it is the emperor's own preference restated in a Roman voice, and everybody could see it.

An office of authorisation that is filled by the party it authorises conveys nothing, because the property that makes an authorisation valuable is the impossibility of the beneficiary having produced it. That is not a moral objection to imperial popes. It is an engineering one, and the reformers grasped it before they had a vocabulary for it. Everything the reform did between 1046 and 1073 — the election decree, the attack on simony, the doctrine that lay investiture is itself a purchase of the Holy Spirit — is a single sustained attempt to sever the office from the men it existed to bind.

The astonishing thing about the period this study covers is that they succeeded, and that the success cost them the one property they had been trying to protect.

A note on sources.

The clause of *In nomine Domini* is quoted exactly in Latin from the text as edited by Detlef Jasper, with a translation of my own; the decree survives in two recensions, a papal and an imperial, whose relation is disputed, and Jasper's *Das Papstwahldekret von 1059* is the modern point of reference. Nothing here depends on preferring one recension, and the existence of the dispute is used as evidence rather than resolved.

The *Capitulatio de partibus Saxoniae* and its capital penalties are standard. The Donation of Constantine's eighth-century fabrication and Lorenzo Valla's demonstration of 1440 are likewise standard and are not argued here.

On the imperial church system, Timothy Reuter's 1982 reconsideration is followed for the cautions — that the arrangement was less systematic, less uniquely German and less a matter of civil-service bishops than the older literature held — while the underlying facts of royal appointment, endowment with regalian rights, and the supply

of military contingents and hospitality are not in dispute. No figures are given here for the size of episcopal contingents or the revenues of any see, because the surviving material supports estimates rather than counts.

The Synod of Sutri of 1046 and the removal of Benedict IX, Sylvester III and Gregory VI, and Henry III's four appointments — Clement II (1046), Damasus II (1048), Leo IX (1049), Victor II (1055) — are standard. Humbert of Silva Candida's argument in *Adversus simoniacos* that lay investiture is itself simoniacal is as reported in the reform literature.

Gregory VII's election of 22 April 1073 is dated securely; the circumstances are reported in flatly contradictory ways by partisan sources on both sides, and this study treats the question of whether the procedure of 1059 was followed as open and consequential rather than settled. The Brixen decree's charges are quoted in the module that follows and are treated as the accusations of an interested party.

MODULE 1

BEFORE THE MATERIAL SWORD

Module 1 · the floor of force — who actually held organised violence in this quarrel, why the party with none of it opened the fighting, and the sentence in which its enemies described the machine exactly

The asymmetry, stated plainly

In every other case in this collection the founding act is a battle. Here it is a document, and the party that issued it had no army at all.

Set out the military position in 1075. Henry IV, king of the Germans, commanded the levies of the German duchies, the contingents of some sixty bishoprics and royal abbeys, and the resources of the north Italian kingdom. Gregory VII commanded the city of Rome, unreliably; the household troops of whichever Roman noble family was currently with him; whatever the Normans of southern Italy could be induced to supply, at a price and on their own schedule; and the forces of the Margravine Matilda of Tuscany, which were considerable and which were hers.

That is the whole of it. The pope had no standing army, no revenue capable of raising one, and no territory he could defend without somebody else's soldiers. He held one thing, and it was not a weapon in any ordinary sense: **the power to declare that a man's obedience was not owed.**

The extraordinary fact of this case is that the party with no soldiers went first, twice, and that the party with all of them found it could not simply ride south and end the matter — and did not manage to enter Rome until nine years after it had first tried.

The order of operations

The best statement of how the two kinds of force were meant to fit together comes, as such statements often do, from the side that lost. The decree of the Synod of Brixen, 25 June 1080, records thirty bishops and an army of nobles assembled in Henry's presence, complaining of the pope, and then sets out the reasoning by which they proceeded:

> *In answer to these representations, therefore, it seemed just to the most illustrious king and to his princes that the judgment of the bishops and the sentence of the divine wrath against this same Hildebrand should precede the material sword; so that him the royal power might afterwards, with more right, declare an object of pursuit whom the bishops of the churches should first have deposed from his proud eminence.*

There is the machine, described by its operators in a single sentence.

The material sword is available and is going to be used. But it is to be used **afterwards**, and the reason given is not squeamishness: it is *iustius*, with more right. A king who kills a pope is a murderer. A king who kills a man whom the bishops have already deposed from his proud eminence is executing a sentence. **The spiritual judgement does not replace the violence. It converts it.** And the men doing the converting are the bishops — which is to say, the men the king appointed.

That passage should be set beside the chapter of al-Māwardī quoted in the Islamic study, where a seizure by force becomes lawful by the caliph's subsequent authorisation, and the whole transaction is said to move *from corruption to soundness and from the forbidden to the permitted*. Two civilisations, in the same decade, describing the same conversion in almost the same terms — and in both, the conversion is performed by the party without an army.

Who could actually be hurt

But the sword had a problem, and the problem is why this quarrel lasted fifty years instead of one campaign.

Henry could beat any army the pope could field, and did. What he could not do was reach the thing that mattered. The pope's power was not stored anywhere he could burn. It was distributed across every altar in Latin Christendom, in the persons of men who had been ordained, and it operated through a claim about the invisible that no siege engine addressed. Gregory could be driven out of Rome — he was — and could die in exile — he did — and his successors went on issuing the same sentences from Salerno, from Terracina, from wherever the Normans could keep them alive.

Conversely the pope's weapon was slow, indirect, and worked only through other people's decisions. Excommunication does not kill a king. It makes a proposition about him that his own vassals may or may not act on, and its whole efficacy consists in whether they do. In 1076 the German princes acted on it and Henry's kingdom nearly dissolved. In 1080 they largely did not, and the same sentence produced almost

nothing.

Neither party could destroy the other's instrument, and each depended on third parties to make its own instrument bite. That is the structural reason the contest ran for two generations and ended in a compromise rather than a victory.

The Normans, and what a hired floor costs

The papacy's answer to having no army was to hire one, and the hire is the most instructive episode in the module.

The Normans of southern Italy were freebooters who had taken Apulia, Calabria and eventually Sicily from Greeks and Arabs, and whose title to any of it was worth precisely what their swords were worth. In 1059, at Melfi, Nicholas II invested Robert Guiscard as duke of Apulia and Calabria and future duke of Sicily, receiving an oath of fealty in return. That is the transaction this whole series is about, running in its ordinary direction: a warlord with no title buying one from the only party who could issue it, and paying in service.

It bought the papacy a floor, and the floor arrived in 1084.

Henry had entered Rome on 21 March 1084, enthroned Guibert of Ravenna at the Lateran on 24 March, and been crowned emperor by him at St Peter's on 31 March, with Gregory besieged in the Castel Sant'Angelo. Then Robert Guiscard came north. Henry and Guibert withdrew rather than face him. Gregory was freed.

And the city was wrecked. The Norman relief force sacked Rome so comprehensively that the population turned on the pope they had come to rescue, and Gregory could not remain. He withdrew to Monte Cassino and then to Salerno, in Norman territory, where he died on 25 May 1085.

The pope's hired floor liberated him from his enemy and cost him his city. It is the plainest possible demonstration of a principle this collection keeps arriving at from different directions: an authority whose whole value lies in not being one of the armed parties cannot acquire armed parties without becoming one. Gregory did not lose Rome to Henry. He lost it to his own rescuers, and to the fact that the Romans could now see exactly whose soldiers were burning their houses.

The other floors

Two further armed forces deserve naming, because both were irregular and both mattered more than their size.

The **Patarenes** of Milan were an urban movement — artisans, small traders, some clergy — who from the 1050s agitated violently against the married and simoniac clergy of the archdiocese, refused the sacraments of unworthy priests, and by the 1070s were a militia under Erlembald, who carried a papal banner and was killed in the street fighting of 1075. They are the first great instance in this study of the reform reaching past the bishops to the laity and arming it, and their existence is why Milan rather than Rome was the flashpoint that produced the Worms letter.

And **Matilda of Tuscany**, whose castles held the Apennine passes, whose forces fought the imperial armies for thirty years, and whose eventual bequest of her allodial lands to the Roman church was fought over for a century after her death. Canossa was her castle. The pope was her guest there. A great deal of what the papacy could do militarily in this period it could do because one woman's inheritance lay across the road from Germany to Rome.

Reading the floor against the framework

The finding, and it is the module's contribution. This series treats the floor of force as the thing beneath every order and treats doctrine as the garment that makes the force cheap. This case supplies a configuration the framework has not had to handle: **an authority with no floor at all, which functioned for fifty years by converting other men's force rather than supplying its own.**

The Brixen decree names the mechanism exactly, and names it from the other side, which is why it can be trusted. The bishops' sentence must precede the material sword *so that the royal power may afterwards, with more right, declare him an object of pursuit*. The pope's instrument does not generate violence and does not prevent it. **It determines whether a given act of violence is an execution or a murder** — and since armed men care a great deal which of those they are participating in, that determination is worth an army without being one.

Two consequences follow, and both are testable elsewhere.

First: **such an authority is strongest where the violence it licenses is somebody else's and weakest where it is its own.** Gregory's sentences of 1076 nearly destroyed a kingdom at no cost to him. Gregory's Normans saved his life, wrecked his city, and ended his pontificate in exile. The same year, 1084, contains both.

Second, and this is the sharper form: **the effectiveness of a licensing authority is not a property of the authority but of its audience's coordination.** The identical sentence — deposition and absolution of subjects from their oath — was pronounced against the identical king in February 1076 and again in March 1080. The first nearly worked. The second did almost nothing, and was followed within four months by the

election of a rival pope. Nothing about Gregory's authority had changed in four years; what had changed was that the German princes had learned what the instrument cost them and had found they could take or leave it. **A weapon that works only through third parties is spent by use, because each use teaches the third parties that they are the ones deciding.**

A note on sources.

The Brixen decree of 25 June 1080 is quoted from Ernest F. Henderson's translation in *Select Historical Documents of the Middle Ages* (1896), which is out of copyright. It is a hostile and highly coloured document — its charges against Gregory include poisoning four popes and watching money-changers' tables for sordid gain — and the sentence quoted here is used for its statement of procedure rather than for its allegations, on the principle that a party describing its own method has no motive to misdescribe it.

The Norman investiture at Melfi in 1059 and the oath of Robert Guiscard are standard. The sequence of March 1084 — Henry's entry on the 21st, Guibert's enthronement at the Lateran on the 24th, the imperial coronation at St Peter's on the 31st, Gregory besieged in the Castel Sant'Angelo — follows the standard accounts, as does the Norman relief, the sack, Gregory's withdrawal to Monte Cassino and Salerno, and his death on 25 May 1085. That the Roman population turned against Gregory on account of the Norman excesses is reported across the sources including the *Liber Pontificalis* tradition and is accepted.

The Patarene movement, Erlembald's papal banner and his death in 1075 are standard. No estimate is offered here of Patarene numbers or of the size of any army in this study, because the eleventh-century sources give figures that are conventional rather than counted.

The characterisation of excommunication as an instrument that operates only through third parties, and the inference that its efficacy declines with use because each use instructs those third parties, is this study's argument and is offered to be tested.

MODULE 2

THROUGH THE LANCE

Module 2 · the settlement — a bishopric as a bundle nobody had ever needed to untie, the fifty years spent discovering that it could be untied, and the change of object that ended the war

The bundle

Ask what a bishop received when a king handed him a ring and a staff, and the question turns out to have no clean answer in 1075 — which is why the war happened.

He received the pastoral office: the cure of souls in his diocese, the right to ordain, to consecrate churches, to judge in the church courts, to preach and to bind and loose. He also received an enormous quantity of property and jurisdiction: manors, forests, tolls, mints, markets, advocacies, sometimes whole counties, together with immunities that removed those lands from the ordinary machinery of the kingdom and made the bishop their governor. And he received, in most cases, the obligation to supply the king with troops, hospitality, counsel and, at need, cash.

All of that came together, in one ceremony, from one pair of hands, signified by two objects: *anulus et baculus*, the ring and the pastoral staff. The ring was the sign of his marriage to his church; the staff was the sign of his pastorate. **A layman was handing a man the emblems of a spiritual office, and nobody had thought it strange for two hundred years, because in practice the two halves had never been distinguished.**

They had never been distinguished because there had been no occasion to. The lands had been given by kings to churches on the understanding that the churches would serve. A bishop was a magnate who happened to be in orders and an ecclesiastic who happened to hold counties, and the two facts about him were one fact.

Why the bundle was the whole quarrel

Now put the reformers' proposition against that bundle and see what it demands.

Humbert of Silva Candida had argued in the 1050s that lay investiture is simony — that receiving the emblems of spiritual office from a layman is buying the Holy Spirit, whether or not money changes hands. Gregory's synod of November 1078 turned the

proposition into law:

> *Inasmuch as we have learned that, contrary to the establishments of the holy fathers, the investiture with churches is, in many places, performed by lay persons; and that from this cause many disturbances arise in the church by which the Christian religion is trodden under foot: we decree that no one of the clergy shall receive the investiture with a bishopric or abbey or church from the hand of an emperor or king or of any lay person, male or female. But if he shall presume to do so he shall clearly know that such investiture is bereft of apostolic authority, and that he himself shall lie under excommunication until fitting satisfaction shall have been rendered.*

Read at face value that decree does not merely regulate a ceremony. Because the ceremony conveyed the whole bundle, forbidding it left no lawful means by which a bishop could come into possession of the lands and jurisdictions on which the German kingdom ran. **The reform had prohibited the transaction without proposing a substitute**, and a king who obeyed it would have been handing over, in perpetuity and to men he had no part in choosing, something like a third of the resources of his kingdom.

That is why Henry IV fought for thirty years over what looks, in the textbooks, like a dispute about liturgy. It was not a dispute about liturgy. It was the largest proposed transfer of property and jurisdiction in the medieval history of Germany, and the crown treated it accordingly.

The concession the reform could not make and the crown could not accept

For decades neither side could see a way out, because each was arguing from a description of the bishopric that made the other's position impossible.

The papal description: a bishopric is a spiritual office to which certain properties happen to be attached; the office is primary; therefore whoever confers the office confers the whole, and a layman may not confer the office.

The imperial description: a bishopric is a great royal endowment to which certain spiritual duties happen to be attached; the endowment is the king's; therefore the king confers it, and the church may consecrate afterwards.

Both were accurate descriptions of the same object, and no amount of argument could make either false. The war was not caused by a misunderstanding; it was caused by a genuine ambiguity in a thing nobody had ever needed to define.

The catastrophic attempt to cut the knot came in 1111. Paschal II and Henry V, negotiating at Sutri, agreed on a solution of shattering logical purity: the church would **surrender the regalia entirely** — all the counties, tolls, mints and jurisdictions the crown had given it — and live on tithes and offerings, and the king would renounce investiture. Each party would keep what was properly its own. It was, on the reformers' own premises, the correct answer.

It collapsed within hours of being read out in St Peter's, because the German bishops would not surrender their lands and said so in the church, and because the whole edifice of episcopal power in Germany rested on precisely what was being given up. Henry V seized the pope and the cardinals and held them for two months until Paschal conceded investiture — a concession Paschal spent the rest of his life repudiating.

The purest solution was tried and rejected by the beneficiaries of the impurity. That is a fact worth carrying: an arrangement's defenders are not always the party that designed it.

The change of object

The answer, when it came eleven years later, was not a resolution of the argument. It was a piece of ceremonial engineering that made the argument unnecessary.

The Concordat of Worms, 23 September 1122, consists of two documents. Calixtus II grants:

> *...that the elections of the bishops and abbots of the German kingdom, who belong to the kingdom, shall take place in thy presence, without simony and without any violence; so that if any discord shall arise between the parties concerned, thou, by the counsel or judgment of the metropolitan and the co-provincials, may'st give consent and aid to the party which has the more right. The one elected, moreover, without any exaction may receive the regalia from thee **through the lance**, and shall do unto thee for these what he rightfully should.*

And Henry V grants:

> *...I remit to God, and to the holy apostles of God, Peter and Paul, and to the holy catholic church, **all investiture through ring and staff**; and do grant that in all the churches that are in my kingdom or empire there may be canonical election and free consecration.*

Two objects. The king gives up the ring and the staff — the emblems of the spiritual office — and receives instead the lance, or sceptre, with which he invests the elected man with the *regalia*: the lands, rights and jurisdictions that came from the crown. The bishop is elected by the chapter, in the king's presence, and the king may adjudicate a disputed election in favour of the party with the better right. In Germany the regalia are conferred before consecration; in Burgundy and Italy, within six months after.

The bundle was untied by inventing a word. *Regalia* — the crown's part, distinguishable from the spiritualia, transferable by a different object in a different ceremony. Neither party had to abandon its description of a bishopric, because the thing had been split into two things, each of which fitted one description exactly.

What each side actually got

The temptation is to score it, and the honest answer is that both got most of what they had needed and neither got what they had claimed.

The crown lost the ring and the staff, which was a real and visible defeat, publicly performed. It kept: presence at German elections, which in practice meant influence over them; the power to decide contested elections in favour of the better-right party, which is the power to decide contested elections; the conferral of the regalia, and therefore the ability to withhold the temporal endowment from a man it did not want; and, since in Germany the regalia came first, an effective veto exercised before the man could be consecrated at all.

The papacy won the principle, which it had said all along was the whole matter, and which it had said all along was not negotiable. It also won an admission that election belonged to the church. What it conceded was the substance of royal influence, dressed as ceremony.

Fifty years of war, two antipopes, two anti-kings, the sack of Rome and the deaths of tens of thousands ended in an agreement that the emperor would use a different object. That is not a cynical summary. It is what a settlement of an ambiguity looks like, and it worked: the German church was not confiscated, the papacy was not re-absorbed, and the arrangement held in its essentials for three centuries.

Reading the settlement against the framework

The finding. The framework asks what fiction converted force into title. Here the operative fiction is of a rarer kind, and it deserves a name of its own: **the settlement was reached not by dividing a disputed thing but by discovering that it was two things.**

Call it a **fictive severance**. Nothing physical changed at Worms. The same man held the same lands with the same obligations and performed the same offices. What changed is that a single indivisible bundle — episcopal office and episcopal endowment, conveyed by one ceremony from one pair of hands — was declared to have always been two bundles, one spiritual and one temporal, which had merely been conferred together by an unfortunate custom. That declaration was retrospective and, in any historical sense, false: nobody in 950 had held two things. But once made, it permitted each party to keep the half it actually needed and to concede the half it had been defending on principle.

The general proposition is worth stating because it recurs and this collection has not named it: **where two parties make incompatible and individually accurate claims about one object, a settlement becomes available the moment somebody invents a distinction that makes the object two objects.** The distinction need not be historically true and usually is not. What it must do is track the actual division of interest — and *regalia* did, precisely, because the crown's real interest was the lands and the service and the papacy's real interest was the appointment and the principle.

And the corollary, which the failure of 1111 supplies. The logically pure solution — church surrenders the temporalities, crown surrenders investiture — was available, was agreed by both principals, and was destroyed within an hour by the German bishops, who would not give up their counties. **A settlement must satisfy not the two parties who negotiate it but the parties whose cooperation executes it**, and the men holding the disputed asset are not represented at the table merely because their nominal superiors are. Paschal and Henry V agreed the correct answer and discovered they did not own the thing they were trading.

A note on sources.

The Concordat of Worms of 23 September 1122 is quoted from Henderson's translation, out of copyright, in both its parts — the *Privilegium* of Calixtus II and the *Heinricianum*. The decree of 19 November 1078 forbidding lay investiture is quoted from the same collection. The emphasis in the quoted passages is mine.

That the *regalia* were conferred before consecration in Germany and within six months after it in Burgundy and Italy is on the face of the Calixtine grant. The reading of the Concordat as a fictive severance rather than a compromise on a single object is this study's, though the substance — that the settlement worked by distinguishing spiritualia from temporalia — is the standard scholarly account and is not novel.

The negotiations of 1111 between Paschal II and Henry V at Sutri, the proposal that the church surrender the regalia, its collapse in St Peter's, the seizure of the pope and cardinals, and Paschal's subsequent repudiation of the privilege extorted from him, follow the standard accounts; Henderson prints the relevant documents. No figure is given here for the proportion of German royal resources held by the church, because the estimates in the literature vary widely and none rests on a survey.

Humbert of Silva Candida's identification of lay investiture with simony is as reported in the reform literature. No estimate is offered of casualties in the German civil wars.

MODULE 3

THAT HE MAY BE JUDGED BY NO ONE

Module 3 · the robe — twenty-seven propositions never published, the property they were written to protect, and the letter that answered them by claiming exactly the same immunity for the king

The memorandum

In March 1075 a list of twenty-seven short propositions was entered into the register of Gregory VII. It has no preamble, no address, no promulgating clause and no signature. It was never published, and there is no evidence it circulated outside the Roman curia. It is called the *Dictatus papae*.

Some of it is administrative housekeeping about legates, synods and the transfer of bishops. The rest is one of the most compressed statements of a constitutional position ever written.

I. Quod Romana ecclesia a solo Domino sit fundata.

That the Roman church was founded by the Lord alone.

XII. Quod illi liceat imperatores deponere.

That it is lawful for him to depose emperors.

XVIII. Quod sententia illius a nullo debeat retractari et ipse omnium solus retractare possit.

That his sentence may be retracted by no one, and he alone may retract the sentence of any.

XIX. Quod a nemine ipse iudicari debeat.

That he himself may be judged by no one.

XXII. Quod Romana ecclesia nunquam erravit nec imperpetuum scriptura testante errabit.

That the Roman church has never erred, nor by the witness of scripture will it ever err.

XXIII. Quod Romanus pontifex, si canonice fuerit ordinatus, meritis beati Petri indubitanter efficitur sanctus.

That the Roman pontiff, if he has been canonically ordained, is without doubt made holy by the merits of blessed Peter.

XXVII. Quod a fidelitate iniquorum subiectos potest absolvere.

That he can absolve subjects from their fealty to the wicked.

What the list is actually protecting

Read those seven together and they are not a miscellany of claims to power. They are a specification for a particular kind of instrument, and every clause defends one property of it.

Proposition I establishes that the office does not derive from any human grant — not from an emperor, not from a council, not from the Roman people. **An authority founded by God alone is an authority nobody in the argument can be said to have made**, which is the property the whole system runs on and the property the imperial popes of 1046–55 conspicuously lacked.

Propositions XVIII and XIX are the same point stated defensively. *Iudicari a nemine* — judged by no one. A judge who can be judged is a party; an authority that can be overruled is one claimant among several with an appeal process. The whole value of a source of title is that its determinations are terminal, and terminality is what these two clauses assert.

Proposition XXII removes the possibility of error, which removes the only ground on which a determination might be reopened.

Proposition XXIII is the most remarkable of the seven and the one that most sharply separates this case from its Islamic counterpart. It says that canonical ordination *makes* the man holy — that the sanctity is conferred by the procedure and belongs to the office rather than to the person. Nothing in the Islamic material has an equivalent. A jurist's authority there came from his teachers and his learning and was inseparable from him; it could not be conferred by a rite and could not be transferred to an office. **Here the office manufactures the qualification, which means the office can be filled by procedure and can survive an unworthy occupant** — and it also means that whoever controls the procedure controls the office. That is why the election decree of 1059 mattered so much and why the manner of Gregory's own

election was the most dangerous fact about him.

And proposition XXVII is the weapon. Not an army: **a power to dissolve other men's obligations to each other.** Everything an armed lord holds rests on the oaths of men who have sworn to him, and every one of those men complies partly because he expects the others to. To absolve them all at once is to remove the fixed point on which their expectations rest — which is why, in February 1076, it very nearly worked.

Never published

Now the fact that complicates all of the above, and which most accounts of the period pass over.

The *Dictatus* was not a bull, not a decree, not a proclamation. It performs the role of a manifesto **within the papal curia**, and it does not appear to have circulated outside it. Its origin and purpose are debated — a set of chapter headings for a projected canonical collection, a memorandum of positions, a private aide-mémoire — and no medieval author before the modern editors seems to have quoted it as an authority.

This matters in two directions and the study should be honest about both.

It weakens any argument that the *Dictatus* caused anything. Henry IV was not reacting to it; he had almost certainly never seen it. The war began over Milan.

But it strengthens the document as evidence, and considerably. **A private memorandum is a better guide to what a party actually believes than a public manifesto**, because it is not shaped for an audience and pays no rhetorical costs. That the Roman curia was setting down, in its own register and for its own use, that the pope may depose emperors, may be judged by nobody, and may release subjects from their oaths, tells us what the position had become before anyone had to defend it in public.

The answer, which claims the same thing

The reply came on 24 January 1076, from a synod of German bishops at Worms, in a letter that has become famous for its rudeness and is more interesting for its structure.

> *H. non usurpative, sed pia dei ordinatione rex Hildebrando iam non apostolico, sed falso monacho.*

> *H., king not by usurpation but by the pious ordination of God, to Hildebrand, now not pope but false monk.*

Every word of that salutation is doing work. The king's title is asserted to come from God directly and not from usurpation — which is to say, not from any human grant, and specifically not from a papal one. Hildebrand is addressed by his baptismal name, denied his title, and given his estate: monk, and a false one. **The letter opens by making exactly the claim about the king that the *Dictatus* had made about the pope**, and denying to the pope the office in which the claim would have been answerable.

Then the charge:

> *...rectores sanctae ecclesiae videlicet archiepiscopos episcopos presbiteros, non modo non tangere, sicut christos domini, timuisti, quin sicut servos, nescientes quid faciat domnus eorum, sub pedibus tuis calcasti.*
>
> *...the rulers of the holy church, that is to say archbishops, bishops and priests, you have not feared to touch, as though they were not the anointed of the Lord; nay, you have trodden them under your feet like slaves who know not what their master does.*

And then the king's own person:

> *Me quoque, qui licet indignus inter christos ad regnum sum unctus, tetigisti, quem sanctorum patrum traditio soli deo iudicandum docuit nec pro aliquo crimine, nisi a fide, quod absit, exorbitaverim, deponendum asseruit.*
>
> *Me also, who though unworthy am anointed among the anointed to the kingship, you have touched — me, whom the tradition of the holy fathers taught was to be judged by God alone, and asserted was to be deposed for no crime, unless I should stray from the faith, which God forbid.*

Soli deo iudicandum: to be judged by God alone. Set that beside *Dictatus* XIX, *a nemine ipse iudicari debeat*, judged by no one. **Two parties, one year apart, claiming the identical immunity in nearly identical language.**

And the close:

> *Ego, H. dei gratia rex cum omnibus episcopis nostris tibi dicimus: descende, descende!*
>
> *I, Henry, by the grace of God king, with all our bishops say to you: come down, come down!*

The one asymmetry that decided it

Both claims were immunity claims and they were symmetrical in form. They were not symmetrical in one respect, and that respect is why the king lost the argument even where he won the wars.

The king's claim rested on **anointing**. He was *unctus inter christos*, anointed among the anointed — and the letter says so with the escape clause built in, *nisi a fide exorbitaverim*, unless I stray from the faith. The anointing had been performed by bishops. The judgement of whether he had strayed from the faith would be made by churchmen. His immunity, in other words, was conferred by the institution he was claiming immunity from, and it carried an exception whose application that same institution controlled.

The pope's claim rested on a founding by God alone with no human intermediary named.

A claim of immunity is only as strong as the independence of whoever conferred it, and Henry's had been conferred by his opponents. That is not a comment on the merits. It is the same engineering point the study keeps returning to, seen from the other end: the reason an authorisation is worth having is that its issuer could not have been made to issue it — and the reason Henry's sacral kingship could not do the work he needed was that everybody could see who had performed the ceremony.

The reply that answered it

Gregory's response, at the Lenten synod of 22 February 1076, is not addressed to Henry at all. It is addressed to Saint Peter.

> *O St. Peter, chief of the apostles, incline to us, I beg thy holy ears, and hear me thy servant... Thou, and my mistress the mother of God, and thy brother St. Paul are witnesses for me among all the saints that thy holy Roman church drew me to its helm against my will; that I had no thought of ascending thy chair through force, and that I would rather have ended my life as a pilgrim than, by secular means, to have seized thy throne for the sake of earthly glory.*

Note what that paragraph is for. Henry had charged him with usurpation — with having taken the chair by force. The answer is not a legal rebuttal but a denial of *desire*, sworn to the apostle: I did not want it, I did not seize it, I would rather have died a pilgrim. **He is defending, before anything else, the property of not having taken it** — because he understood, as clearly as any man in this study, that an authority which is

seen to have been seized authorises nothing.

Then the sentence:

> *...I withdraw, through thy power and authority, from Henry the king, son of Henry the emperor, who has risen against thy church with unheard of insolence, the rule over the whole kingdom of the Germans and over Italy. And I absolve all Christians from the bonds of the oath which they have made or shall make to him; and I forbid any one to serve him as king.*

Reading the robe against the framework

On what the *Dictatus* is for. The twenty-seven propositions are not a programme of aggrandisement, whatever they became in later hands. Read as a specification, they are an attempt to write down the conditions under which a source of title remains usable: founded by nobody in the argument, judged by nobody, incapable of error, terminal in its sentences, and holding a power to dissolve obligations that runs to every man in Christendom. **Each clause protects one property of an instrument whose entire value is that no party to a dispute could have manufactured it.**

And the finding, which the exchange of 1076 makes visible in a way no single document could. Both parties claimed immunity from judgement, in the same year, in almost the same words. Only one claim held. The difference was not doctrinal merit and not military strength — Henry had all the soldiers. **The difference was that the king's immunity had been conferred on him by the institution he was asserting it against, and the pope's had not.**

State it as a general test, because it is a sharp one and it travels: **when two authorities each claim to be judged by God alone, ask who performed the ceremony that conferred the claim.** Whoever can point to no human conferrer holds the stronger position, and whoever received his immunity from his opponent holds a claim his opponent can revoke by reinterpreting the terms of the grant. The anointing that made Henry sacred was the same institution's act as the excommunication that unmade him, and the escape clause — *unless I stray from the faith* — was interpreted by the very men against whom it was pleaded.

One consequence for the Islamic comparison, noted and not pressed. The clause that says canonical ordination makes the pontiff holy has no counterpart in the material examined in the preceding study, and its presence changes what a state can capture. Where sanctity is conferred by procedure it belongs to the office, and an office can be taken. Where authority belongs to the man and his teachers, there is nothing to take. That divergence is the subject of Module 4 and of Module 12; it is flagged here

because the *Dictatus* is where it becomes legible.

A note on sources.

The propositions of the *Dictatus papae* are quoted in Latin from the text as it stands in Gregory VII's register, with translations of my own; the register text is edited by Erich Caspar in the *Monumenta Germaniae Historica*. That the document was never formally published and did not circulate outside the Roman curia is the current scholarly position and is stated as such; its purpose — chapter headings for a canonical collection, a memorandum, a private statement of position — is debated and is not resolved here.

Henry IV's letter of 24 January 1076 is quoted in Latin as transmitted in the *Monumenta Germaniae Historica*, with translations of my own; the manuscript tradition gives both *non usurpative* and *non usurpatione* and the difference does not affect the sense. Henderson's English version of 1896 is out of copyright and was consulted; the renderings here are mine.

Gregory VII's first deposition and excommunication of Henry, 22 February 1076, is quoted from Henderson's translation, out of copyright.

The claim that Henry's sacral immunity was weaker than Gregory's because it had been conferred by the institution he was asserting it against is this study's argument, not a report of a contemporary one; no eleventh-century writer on either side states it in those terms, and the study says so rather than implying a source.

MODULE 4

THE SAME AUTHORITIES, IN THE SAME ORDER

Module 4 · formation — a credential the state could actually take, a discipline invented to make a caste unheritable, and two pamphlets that quote the identical fathers in the identical sequence to reach opposite conclusions

What made a priest

Begin with the mechanism, because it is the single largest difference between this case and every Islamic one, and everything downstream turns on it.

A Latin priest was made by **ordination**: a sacramental act, performed by a bishop, by the laying on of hands. A bishop was made by **consecration**, performed by other bishops — customarily three — and the chain ran back, in the theory everybody held, to the apostles. The act was held to imprint an indelible character on the man, so that it could not be repeated and, in the mainstream view that would prevail, could not be undone even by the unworthiness of the man ordained or of the man ordaining.

Four properties follow, and they are worth separating.

It is institutional. No individual master's judgement is involved. A bishop ordains, and he does so as the holder of an office, not as a scholar whose personal standing certifies his pupil.

It is procedural. Given the right minister, the right form and the right intention, the man is ordained. Learning is not the criterion. A stupid priest is a priest.

It is hierarchical. Bishops are made by bishops, and in this century the reform was busy establishing that the making of bishops ran, ultimately, through Rome — *quod ille solus possit deponere episcopos vel reconciliare*, that he alone may depose or restore bishops.

And therefore it is capturable. Where a credential is conferred by an office, whoever holds the office holds the credential. That is the whole of the Investiture Contest in one sentence: **two parties fighting over a credential because, unlike the Islamic licence to teach, there was something there to take.**

The preceding study in this series found that Nizām al-Mulk could buy the buildings, the salaries, the syllabus and the prestige of the Islamic interpretive class and never acquire its certification, because the licence to teach and give legal opinions passed from one named master to one named student and no institution issued it. The result there was influence without ownership, and no investiture controversy — not because the question did not arise but because there was nothing to contest. Here there was, and the contest lasted fifty years and reshaped Europe.

Celibacy, and what it was actually for

The reform's most conspicuous demand was clerical continence, and it should be read as a formation instrument rather than as an outbreak of piety.

Married clergy were normal. In much of Europe, parish priests had wives — the sources call them concubines and the priests called them wives — and had sons, and those sons very often succeeded to their fathers' churches. At the upper levels the same logic operated on a grander scale: episcopal and abbatial offices, with their lands, drifting into the hands of local kindreds.

Set that beside the crown's reason for using bishops as governors — that a celibate man has no legitimate heir, and therefore a bishopric can never become a hereditary county — and the two parties turn out to want the same rule for opposite reasons. **The German crown needed clerical celibacy so that its endowments would return to it. The reform needed clerical celibacy so that they would not pass out of the church.** Both were defending an unheritable caste against the universal medieval tendency for every office to become a family property.

That is a genuinely strange convergence and it explains something the narrative sources find puzzling: why so much of the German episcopate could simultaneously support the moral programme of the reform and fight its constitutional programme to the death. They were not being inconsistent. They agreed about the caste and disagreed about who owned it.

The measures went further than exhortation. The synods of 1074 and after forbade the faithful to hear the masses of married or simoniac priests. That is worth pausing on. **It handed the laity a veto.** A peasant who had never had any say whatever in the appointment of his priest was now instructed, by the highest authority in Christendom, to walk out of his church if that priest had a wife — and to judge, for himself, whether he had. The Patarenes of Milan had been doing exactly that for twenty years, violently, and now they had a decree.

The state of the argument, and who was making it

Which brings the module to what was not settled in 1075 and is usually assumed to have been.

The doctrine of the sacraments' validity independent of the minister's worth — the position that eventually prevailed, and that made the whole church workable — was in this century genuinely contested. If a simoniac bishop's ordinations were void, then a very large proportion of the clergy of Europe were laymen, their masses were nothing, and the baptisms and absolutions they had performed were void as well. Peter Damian, who hated simony as much as anyone alive, argued against re-ordination for precisely this reason: the alternative was to unmake half the church. Humbert took the harder line. Neither position was heresy in 1060 and both had serious defenders.

That is the same condition the Islamic case displayed and it should be named again here: **the belief was universal and ancient, and the constitution of the thing believed in was open and being decided during the case.** The men of 1075 did not know what a bishop was, in the sense that they had two incompatible and equally traditional answers.

And the institutions of decision were themselves being built. This is the generation in which canon law was assembled into the collections that would become the discipline — Anselm of Lucca, Deusdedit, Bonizo of Sutri, and after them Ivo of Chartres, whose distinction between what is immutable and what may be dispensed supplied the intellectual key that made the Concordat of Worms thinkable. The cathedral schools out of which the universities came were filling with men trained to argue from authorities. **The reform did not merely use canon law; the reform is where the systematic use of canon law begins.**

The same authorities, in the same order

And here is the scene that gives the module its title, and it is the sharpest single piece of evidence this study has found.

In 1085–86, in the immediate aftermath of Gregory's death, two men wrote polemics. Anselm of Lucca, the fiercest of the Gregorians, wrote *Liber contra Wibertum*, arguing for coercion — including armed war — against the enemies of his party, and clinching the argument with a battery of terse excerpts from scripture, from Augustine, and from six early popes.

Wido of Ferrara, a partisan of Clement III, wrote *De scismate Hildebrandi*, which opens by setting out the arguments in Gregory's favour with disarming fairness and then, at its culminating moment, **musters the same sequence of excerpts, from exactly the same patristic and papal authors**, before turning to a withering catalogue of Gregory's crimes.

The same fathers. The same popes. In the same order. Arguing opposite conclusions.

Sit with that, because it is the corpus-and-credential distinction demonstrated in a laboratory. **The body of authoritative texts was common property and it settled nothing.** Both men had it; both could quote it accurately; both were learned; neither could compel the other. What was being fought over was not the corpus. It was who held the office that decided what the corpus meant — and that is exactly what an institutional credential is, and exactly why it was worth fifty years of war.

Whom the reform formed

Two constituencies received the reform's formation, and one is usually overlooked.

The clergy were formed by the schools, the canonical collections, the synods and the increasingly systematic use of legates carrying Roman decisions into the provinces. This is the beginning of a professional, celibate, Latin-literate, internationally mobile order of men whose careers ran through Rome. By 1122 a young man of talent and no birth could rise in it, and that is new.

The laity were formed by something cruder and more consequential: **they were told to judge their priests.** The instruction to boycott the masses of unworthy clergy was a doctrine of enormous force, because it made every layman an assessor of clerical worthiness and made his salvation depend on getting the assessment right. The Patarene movement in Milan is what it looks like when that instruction meets an urban population with its own grievances — a reforming crowd with a militia, a banner from Rome, and a leader, Erlembald, killed in the street in 1075.

The reform did not intend to create a laity that judged clergy. It created one anyway, and it never got the genie back in.

Reading formation against the framework

The finding, and it is the divergence this study exists to establish. Where an interpretive class licenses its members through an office rather than through a person, the licence is capturable, and control of the licensing office becomes the central prize of politics.

That single structural fact generates almost everything that distinguishes the Latin case from the Islamic one. It generates a fifty-year war, because there was something to win. It generates a hierarchy, because offices can be ranked and persons cannot. It generates canon law as a systematic discipline, because a procedural credential requires a procedure and procedures require jurisprudence. It generates a papal monarchy, because whoever sits at the top of a chain of ordinations has a claim on every link. And in the long run it generates the possibility of the whole apparatus being captured by a state — which is what happened in the sixteenth century, in the countries where it happened, and which never happened to the *'ulamā'* because there was no apparatus to capture.

So the general proposition, stated to be tested elsewhere: the location of a credential — in an office or in a person — determines not merely whether a state can capture an interpretive class, but whether that class can be organised at all. Institutional credentials produce hierarchies, jurisprudence, careers, and vulnerability to capture. Personal credentials produce networks, schools, resilience, and an incapacity to speak with one voice. Neither is stronger; they fail differently, and the failure modes are the interesting thing.

And the smaller finding, which the celibacy question yields. Both parties to this war wanted an unheritable clerical caste, and wanted it for incompatible reasons — the crown so that its endowments would revert, the reform so that they would not pass into families. **Where two enemies agree on a rule for opposite reasons, that rule will be enforced with unusual energy and will survive the quarrel that it was enforced during.** Clerical celibacy did exactly that: it outlived the Investiture Contest, the empire, and the medieval church's political order, and it is still there.

A note on sources.

That Anselm of Lucca's *Liber contra Wibertum* (1085–86) and Wido of Ferrara's *De scismate Hildebrandi* (1086) deploy the same sequence of excerpts from the same scriptural, Augustinian and early papal authorities to opposite ends is reported in the modern scholarship on the *Libelli de lite*, in which both texts are edited; the observation is not mine and the inference drawn from it here is. Both texts are printed in the *Monumenta Germaniae Historica, Libelli de lite imperatorum et pontificum saeculis XI et XII conscripti*. Jürgen Ziese's study of Wibert of Ravenna is the standard monograph on the Clementine side.

The ordination of priests by bishops and the consecration of bishops by bishops, the doctrine of indelible character, and the eventual prevalence of the position that a sacrament's validity does not depend on the minister's worth are standard; that this

position was contested in the eleventh century, and that Peter Damian argued against re-ordination on the practical ground that the alternative would unmake much of the clergy, is likewise standard and is the point relied on here.

The prohibitions on hearing the masses of married and simoniac priests date from the Roman synods of the 1070s; the Patarene movement in Milan, Erlembald's papal banner and his death in 1075 are as reported in the narrative sources. No figures are given for the proportion of clergy who were married, because the sources are polemical and no survey exists.

The canonical collections of Anselm of Lucca, Deusdedit and Bonizo of Sutri, and Ivo of Chartres's distinction between the immutable and the dispensable, are standard; the claim that Ivo's distinction supplied the intellectual key to the Concordat of Worms is the received scholarly account and is reported as such rather than argued here.

MODULE 5

WHOSE MASS TO HEAR

Module 5 · the cost column — what the quarrel cost a bishop, a priest and a peasant, and why the party that could not be reached by an army was the one that could reach everybody

The bishop's position

Take a German bishop in 1076 and price his options, because his dilemma is the whole cost structure of this war in one man.

He holds his lands, his counties, his tolls and his immunities from the king, who gave them and who will take them back if he is deposed. He commands a contingent that the king expects in the field. He was appointed by the king, very probably out of the royal chapel, and he owes his whole career to that appointment. Against this, he holds an office that the reform says only the church can confer, and he is being told by Rome that the ceremony which gave him everything was a sin against the Holy Spirit.

If he obeys the king he is excommunicate, his masses are a mockery, his clergy may abandon him, and his soul is in danger on a doctrine he half believes.

If he obeys the pope he loses the lands, which are not merely his income but the endowment of his church, and he loses them to a king who is standing outside with an army.

And there was no stable third position, because the two authorities were both real and neither could protect him from the other. In 1076 twenty-six German bishops signed the deposition of Gregory at Worms. In October of the same year, at Oppenheim, a good many of the same men were negotiating their reconciliation with the pope they had deposed. That is not cowardice. That is a man with two masters, each of whom can ruin him, choosing the one currently in the room.

The priest's position

Further down, the cost was more intimate and less reversible.

A parish priest with a wife of twenty years and three children was informed that his wife was a concubine, that his children were illegitimate, that his orders were in

question, and that his parishioners were forbidden to attend his mass. Some resisted; the synods record it. Some were driven out; some conformed and put their families away, which meant destitution for women who had been wives.

There is no honest way to enter that in a ledger. It is a very large quantity of ordinary human damage, inflicted deliberately, by men who believed they were saving souls, on people who had committed no offence under the practice of their own lifetimes. The reform's defenders then and since have argued that the alternative was the absorption of the church into the lay property system, and that argument is not frivolous. **Both things are true and neither cancels the other**, and a study that reaches for a verdict here has stopped doing arithmetic.

The layman's position, and the innovation

Now the ordinary Christian, and here the case departs sharply from anything in the Islamic study.

His costs were, in the first instance, the costs of any civil war: Germany was fought over for thirty years, Saxony repeatedly, the Rhineland intermittently, north Italy continuously. Armies lived off the country. That is the standard bill and it needs no elaboration.

But he acquired something too, and it is the strangest item in this case. **He was told, on the highest authority, to judge his priest.**

Think about what that instruction does to a man who cannot read, who has never been consulted about anything, and whose salvation runs through the sacraments. He is now required to know whether the man at the altar has a wife, and whether his office was bought — and to act on the answer, because attending an invalid mass is now itself a danger. He has been handed a duty he did not ask for, and with the duty comes a power: **the power to withhold, collectively, the one thing a priest needs, which is a congregation.**

In Milan that power organised itself, took a name, armed itself and killed people. Elsewhere it did less visible work. But the instruction was general, it came from Rome, and it never entirely lapsed. The layman's competence to assess the clergy is a permanent addition to the European repertoire from this century onward, and every subsequent movement of lay religious protest picks it up.

What the king could not do

Against all this, count what force could and could not buy.

Henry could take Rome, and did, in 1084, on his fourth attempt and after nine years. He could install a pope, and did. He could hold most of Germany and most of north Italy for most of his reign. He could confiscate duchies, and did.

What he could not do was make the sentence go away. Excommunicate in 1076, absolved in 1077, excommunicate again in 1080, he died in 1106 still under the ban, deposed by his own son, and his body lay unburied in an unconsecrated chapel at Speyer for five years until the sentence was lifted. **An emperor at the height of his power could not procure his own burial.**

That is the cost column's central asymmetry. Force could take every city the pope held and could not touch the sentence, because the sentence did not live in a city. And the sentence could not raise a soldier, but it could reach the king's own son, who in 1105 deposed his father with papal support and became Henry V.

The bill for the instrument

One item remains, and it is the one the papacy paid.

The instrument that made all this possible was the pope's power to declare obligations dissolved, and its value rested on his being no party to anybody's quarrel. Every use spent a little of that. Gregory deposed Henry in 1076 and again in 1080; between those dates he was neutral for three years between two kings while both waited for him to choose. When he did choose, he chose wrong — Rudolf was killed at the Elster in October 1080 — and the German bishops who had wavered in 1076 did not waver in 1080.

By 1084 he was a party in a war, protected by mercenaries whose sack of Rome drove him out of his own city. **The authority whose value was that it stood outside the fighting ended its pontificate inside the fighting, on the losing side, kept alive by Normans.** That is the bill, and it was paid in the only currency that instrument has.

Reading the cost column against the framework

The finding, on where the costs of a legitimacy war fall. In an ordinary conquest the costs sort by caste and geography: the conquered pay, the conquerors collect. Here they sorted by **position in the chain of authorisation**, and the heaviest costs fell in the middle.

The two principals were largely insulated. Henry lost battles and cities and recovered; Gregory lost Rome and died in exile, which is a real cost but a single man's. The catastrophic costs fell on the men who held offices that both authorities claimed: the bishops, who could be ruined by either and protected by neither, and the parish

clergy, whose marriages and orders were simply annulled by a decision taken hundreds of miles away.

Where two authorities claim the same appointment power, the men holding the appointments are the ones destroyed — because their tenure depends on a question that has become undecidable, and every one of them must choose a side in a contest neither side can win outright. That is a general proposition and it is testable: look for the war's real casualties not among the claimants but among the intermediate office-holders whose title runs through both.

And the second finding, which the layman's new duty produces. A reform that needs popular enforcement must give the population a competence it did not have, and it cannot take the competence back afterwards. The instruction to refuse an unworthy priest's mass was issued as a disciplinary tool against clerical marriage. What it created was a laity entitled to assess the validity of clerical acts — which is a much larger thing than a rule about celibacy, which the reformers did not intend, and which outlasted them by centuries.

Where an authority mobilises the governed against its own subordinates, it arms a judgement it will later need to disarm and will not be able to.

A note on sources.

The bishops' dilemma is a reading of the recorded behaviour rather than a quotation of any contemporary statement of it; the deposition of Gregory by the synod of Worms on 24 January 1076 and the reconciliation negotiations at Oppenheim in October of the same year are documented in Henderson's collection.

The prohibitions on hearing the masses of married and simoniac priests, and the resistance of clergy to the continence decrees, are reported in the synodal records and in the narrative sources; the human consequences for clerical families are attested in polemical literature on both sides and are not quantifiable. No figures are offered for the number of clergy affected.

Henry IV's death in 1106 under excommunication, the deposition by his son Henry V in 1105, and the delay in his burial at Speyer until the ban was lifted are standard. The Battle of the Elster and Rudolf of Rheinfelden's death in October 1080 are standard.

That the Roman population turned against Gregory VII after the Norman sack of 1084 is reported in the sources and is treated in Module 1. No casualty figures are given for the German civil wars or for the sack of Rome, because the eleventh-century sources supply none that can be relied on.

The proposition that the heaviest costs of a legitimacy war fall on intermediate office-holders whose title runs through both claimants is this study's, offered as a general shape to be tested against other cases.

MODULE 6

WITHOUT ANY EXACTION

Module 6 · extraction — what a bishopric actually yielded and to whom, why simony is the name of an accusation rather than of a practice, and the three words in the Concordat that record what the whole thing had been about

The two flows

Strip the theology out and there are two streams of value running through an eleventh-century bishopric, in opposite directions.

Upward, to the crown. The *servitium regis*: military contingents when the king campaigned, hospitality when the itinerant court arrived and consumed a see's revenues for a week, counsel and attendance, the loan of chapel clerks to the chancery, and cash or kind on demand. A great German see was, from the crown's side, a standing asset that produced soldiers, lodging, administrators and money without the crown having to own or manage a foot of the land.

Downward and outward, from the faithful. Tithes, offerings, burial and marriage dues, the profits of church courts, and the yield of the endowed estates themselves.

The bishop stood at the junction and lived off the difference. He was, in fiscal terms, a farmer of a royal endowment who paid his rent in services rather than coin, and who was permitted to keep everything above the rent.

Which is precisely why the appointment was worth money, and why the word for what happened when it was sold became the name of the whole quarrel.

Simony as an accusation

Simony — from Simon Magus, who offered the apostles money for the power to confer the Spirit — covered a wide range of transactions and the range is the problem.

At one end there is the plain case: a man pays cash for a bishopric. That happened, it was universally condemned, and nobody in the eleventh century defended it. Benedict IX had sold the papacy itself in 1045.

At the other end there is what everybody did. A king appoints a man to a see; the man has been in royal service for fifteen years and the appointment is the reward; on entry he makes the customary payments, offers the customary gifts, and undertakes the customary services. Is that a purchase? By the eleventh-century reformers' definition — extended by Humbert to cover investiture itself, with or without money — yes. By the practice of everyone alive, no: it is how offices had always been filled.

The reform did not discover a new abuse. It redescribed the normal operation of the system as a sin, and the redescription was the weapon. Once *simoniacus* was a charge that could be laid against any bishop who had received his ring from a king, every bishop in Germany was chargeable at the pleasure of Rome, and a very large number of them knew it.

That is the mechanism to keep in view. The accusation's power came not from its rarity but from its universality. **A rule that everybody breaks is not a dead letter; it is a licence to prosecute selectively**, and selective prosecution is one of the strongest instruments any authority can hold.

What the reform did to the flows

Now ask the question the module exists for: did the reform change who got the money?

Less than its rhetoric implies, and that is the honest finding.

The endowments stayed where they were. The crown did not recover the counties, and the church did not surrender them — the one moment when it nearly did, in 1111, collapsed within an hour because the German bishops refused. After 1122 a German bishop still held his regalia from the emperor and still owed for them what he rightfully should. The Concordat's own words are explicit: the elected man *shall do unto thee for these what he rightfully should*. The service survived.

What changed was the *route*. Before, the office and the endowment came together from one hand. After, the chapter elected, in the king's presence, with the king adjudicating disputes and conferring the regalia by lance. The king's revenue from the arrangement was substantially preserved. His control over who received it was reduced and not eliminated.

The reform was a fight about appointment, and it produced a change in appointment. It was not a fight about revenue, and it produced little change in revenue. Studies of this period that treat it as an economic conflict in religious dress have the causation backwards; the money was the reason the appointment mattered, not the thing being redistributed.

Three words

Which makes one phrase in the Concordat of Worms the most informative in the document. Calixtus grants that elections shall take place in the emperor's presence *sine simonia et aliqua violentia* — without simony and without any violence — and that the elected man may receive the regalia *absque omni exactione*: **without any exaction.**

Then the same phrase again, for Burgundy and Italy: *without any exaction*, within six months.

A treaty says twice, in its operative clauses, that the emperor is not to charge for the regalia. **Treaties do not prohibit things that are not happening.** The clause is a confession that the conferral of the temporalities had been a revenue event — that men had paid, that the payment had been expected, and that the crown's interest in retaining the conferral was not merely constitutional. It also tells us what the crown was conceding: not the regalia, and not the service, but the fee.

And it tells us what the papacy could realistically extract after fifty years of war: an end to the charge, an end to violence at elections, and canonical election. Not the endowment. Never the endowment.

Rome's own extraction

The papacy had its own revenues and they should be entered, because a study that examines one party's finances and not the other's is not doing arithmetic.

Rome drew on the patrimonies of St Peter in Italy; on census payments from monasteries and churches that had placed themselves under Roman protection, which the reform multiplied substantially, since exemption from a local bishop was worth paying for; on the tribute of vassals like the Normans of Apulia, who had sworn fealty in 1059; on Peter's Pence from England and elsewhere; and increasingly on the fees and profits of a judicial system that was drawing more and more business to Rome as the reform's canonical machinery developed.

The last of those is the significant one, because it grew directly out of the reform's central claim. If the greater cases of every church whatsoever must be referred to Rome — *quod maiores cause cuiscunque ecclesie ad eam referri debeant* — then Rome becomes the court of appeal for Christendom, and courts of appeal generate revenue.

The reform's constitutional victory was also, and not incidentally, the construction of a fiscal system, and by the thirteenth century that system would be large enough to become the standing grievance of northern Europe. None of that is

visible in 1122. Its foundations are entirely visible in 1075.

Reading extraction against the framework

The finding, and it concerns what an accusation is worth. The instrument that did most work in this conflict was not a tax, a confiscation or an army. It was a redescription: the declaration that a universal and unremarked practice was a grave sin.

Where an authority can define an offence that everybody has committed, it acquires a discretionary power over everybody, and the power is greater the more universal the offence. A rule broken by a few gives the enforcer a few prosecutions. A rule broken by all gives him a permanent claim on all, exercisable at his discretion, against whichever of them is currently inconvenient — and it makes every one of them dependent on his forbearance rather than on his approval. Simony functioned in exactly that way from the 1050s onward. The bishops of Germany were not accused of it because they were unusual; they were accused of it when they were disobedient.

That is a mechanism this collection should carry, and it is distinct from ordinary law-making. The point of the rule is not compliance. **Compliance would destroy the instrument, because a rule nobody breaks confers no discretion.**

And the second finding, on where to look for what a settlement was really about. The Concordat of Worms twice specifies that the regalia are to be conferred *without any exaction*. That phrase, not the renunciation of ring and staff, is where the money in this quarrel becomes legible — and it shows that the crown surrendered the fee and kept the service, while the church won the appointment and never seriously pursued the endowment.

Read a peace treaty's negative clauses for what the war was about. The positive clauses record what each side wished to be seen to have won. The prohibitions record what each side had actually been doing.

A note on sources.

The Concordat of Worms is quoted from Henderson's out-of-copyright translation; the phrases *without simony and without any violence* and *without any exaction* are in the *Privilegium* of Calixtus II, and the emphasis on the latter is mine. *Quod maiores cause cuiscunque ecclesie ad eam referri debeant* is *Dictatus papae* XXI, quoted from the register text.

The components of the *servitium regis* — military contingents, hospitality to the itinerant court, counsel, and the supply of chapel clerks — are standard, with Timothy Reuter's cautions about the systematic character of the arrangement carried from the

Landscape. No figures are given for the yield of any see, for the size of any contingent, or for the crown's total revenue from the church, because the surviving material supports no reliable estimate.

Benedict IX's sale of the papacy in 1045 is standard. Humbert of Silva Candida's extension of the definition of simony to cover lay investiture regardless of payment is as reported in the reform literature.

The components of papal revenue — the patrimonies, census from exempt houses, Norman tribute after 1059, Peter's Pence, and the growing profits of the Roman courts — are standard; the observation that the reform's appellate claim built the fiscal system that became the grievance of the later Middle Ages is the received scholarly account and is reported rather than argued.

The argument that simony functioned as a universally applicable charge conferring discretionary power, rather than as a rule aimed at compliance, is this study's.

MODULE 7

THE BOOKS OF THE QUARREL

Module 7 · information and suppression — the first pamphlet war in European history, an authority whose only organ was a message, and what happened when both sides went into the archives at once

The instrument was a message

This order had no informers, no political police, no register of suspects and no surveillance apparatus of any kind, and unlike the Seljuk case that absence requires no explanation. **The papacy's entire apparatus was outbound.** It had nothing to find out and everything to say.

Its organs were four.

Letters. Gregory's register — the collection of his outgoing correspondence, preserved in the papal archive — is the single richest source for the period and is itself the instrument. He wrote to kings, bishops, abbots, counts, cities and individual laymen, at extraordinary volume, in a voice of great personal urgency, and the letters did the work: they instructed, threatened, absolved, encouraged and coordinated.

Legates. Men sent out with the pope's authority, empowered — *Dictatus* IV — to preside over any bishop in council though of inferior rank, and to depose. A legate is a portable pope, and the office is what allowed a Roman decision to arrive in Saxony with force.

Synods. The Lenten synods at Rome, annually, where sentences were pronounced and decrees promulgated, and to which bishops from across Europe were summoned — the summons itself being an assertion of jurisdiction, and the refusal of it being the offence for which Guibert of Ravenna was suspended in 1075.

And the sentence itself, which is a message about a person, addressed to everyone who deals with him.

The pamphlet war

What the conflict produced, and what nothing before it had produced on this scale, is the *Libelli de lite*: the little books of the quarrel. Between roughly 1076 and 1122, men on both sides wrote treatises arguing the case in public.

The list is long and the range is startling. Anselm of Lucca, Bernold of Constance, Manegold of Lautenbach and Deusdedit for the Gregorians. Wido of Ferrara, Benzo of Alba, Peter Crassus, Wenrich of Trier and the anonymous author known as the Norman Anonymous for the imperial side and for Clement. They argue about the origin of royal power, the limits of obedience, whether an unjust king may be deposed, whether ordination by a schismatic conveys grace, whether the Roman church can err.

Manegold of Lautenbach, arguing for the Gregorians, compares the king to a swineherd hired to tend the pigs: if he takes to slaughtering and stealing them, is he not dismissed with contempt? A king who becomes a tyrant, on this reasoning, has broken the compact by which he was raised and the people are absolved. That argument, in 1085, is written to justify a papal deposition. It is available to anybody afterwards.

The reform needed to persuade, because its instrument only worked if third parties acted on it — and to persuade at scale it had to argue in public, in Latin, from authorities, in writing. That requirement produced a habit, and the habit outlived the quarrel. Every subsequent European political argument is conducted in the form this one invented.

Into the archives

And to argue from authorities, both sides needed authorities. So both sides went looking.

This is the generation in which the systematic canonical collections are assembled — Anselm of Lucca, Deusdedit, Bonizo, and after them Ivo — and the assembling was not disinterested scholarship. It was ammunition procurement. Men combed the archives of Rome and of the great churches for canons, papal letters, conciliar decrees and imperial privileges that supported their side, and they organised what they found under headings designed to make the point.

Two consequences followed, and they run in opposite directions.

The first is that the practice of legal reasoning from a systematically arranged body of texts was created in Europe by a propaganda war, and within two generations it had become a university discipline. Gratian's *Decretum*, around 1140, is the direct descendant.

The second is that the archives turned out to contain things nobody had wanted found. Once men are trained to compare texts, dates and styles in order to defeat an opponent's citation, they acquire a competence that does not switch off. The Pseudo-Isidorian decretals — a ninth-century forgery of enormous influence, on which a great deal of papal claim rested — were used by both sides in this period without suspicion. The Donation of Constantine was likewise cited in good faith. Neither was

exposed for centuries. But the technique that would expose them is being invented here, by men sharpening it on each other.

A party that arms its own side with the tools of textual criticism has armed the tools, not the side.

What was suppressed

Very little, and the little is instructive.

Neither party could suppress the other's texts, because neither controlled the scriptoria of the other's territory. Books were copied where a patron wanted them copied.

What the winners did instead, when they finally had the chance, was erase a person. Guibert of Ravenna — Clement III — died at Civita Castellana on 8 September 1100, and was locally venerated as a worker of miracles. Paschal II's response was *damnatio memoriae*: the remains were exhumed and thrown into the Tiber.

There is an art-historical argument, advanced by several scholars and contested, that the burial of the fifth-century lower basilica of San Clemente in Rome beneath an entirely new church in the early 1100s was an act of the same kind — an obliteration of a site whose fresco cycle celebrating St Clement had become associated with the wrong Clement.

Hold that beside the module's other material. **The pope's party could not suppress a book and could not answer a miracle, so it destroyed a body and possibly a building.** That is what suppression looks like in an order whose whole apparatus is outbound: it cannot reach ideas, so it reaches objects.

Reading the seam against the framework

The finding, on what kind of authority argues. The Seljuk case yielded a two-axis test — what a state can tell everyone, and what it can find out — and produced an order with maximal broadcast and no collection, killed by a whisper network. This case is the extreme form of the same asymmetry, and it produces something the Seljuk case did not.

The papacy had no collection capacity whatever and did not need any, because it was not trying to catch anyone. **Its entire operation was persuasion at a distance, and an authority that must persuade at a distance is forced to argue in a form that can travel: written, in a common language, from sources the audience already accepts.**

That constraint is generative rather than merely limiting. **Where an authority's only instrument is a message that third parties must choose to act on, it will be driven to build the apparatus of public argument — a written polemical literature, a systematically arranged body of authorities, and a class of men trained to reason from them — and that apparatus will outlast the quarrel.** Canon law as a discipline, the university faculty, and the European habit of conducting political disputes as arguments from precedent all begin in this specific necessity. They were not aims. They were the tools a party without an army had to build in order to fight.

And the second finding, which is the cost of that necessity. The technique of criticism is not partisan and cannot be made so. The men who learned to check a citation in order to embarrass an opponent were learning a method that would eventually be turned on the documents their own side rested on. The Donation of Constantine survived this century intact and fell in 1440 to exactly the skills this century created.

An authority that teaches its supporters to test texts has begun a process it cannot stop, and the process will reach its own foundations last but will reach them.

A note on sources.

Gregory VII's register, edited by Erich Caspar in the *Monumenta Germaniae Historica*, is the principal documentary source for the pontificate and is described here as an instrument as well as a record. The *Libelli de lite imperatorum et pontificum saeculis XI et XII conscripti* is the standard MGH edition of the polemical literature and contains the texts named.

Manegold of Lautenbach's comparison of the king to a hired swineherd who may be dismissed is the standard account of his argument in the *Liber ad Gebehardum* and is paraphrased here rather than quoted, the modern translations being in copyright.

Guibert of Ravenna's suspension for failing to attend the Lenten synod of 1075, his death at Civita Castellana on 8 September 1100, his local veneration as a miracle-worker and the exhumation and disposal of his remains in the Tiber are as reported in the reference literature. The argument that the burial of lower San Clemente constituted a *deletio memoriae* prompted by a nascent Clementine cult is advanced in recent art-historical scholarship, is explicitly contested, and is reported here as a live hypothesis rather than a finding.

The Pseudo-Isidorian decretals as a ninth-century forgery and the Donation of Constantine as an eighth-century one, both exposed long after this period, are

standard; Valla's demonstration is dated 1440. Gratian's *Decretum* is conventionally dated to about 1140.

The proposition that an authority dependent on persuasion at a distance is thereby driven to construct the apparatus of public argument, and the corollary that the resulting critical technique eventually reaches its own foundations, are this study's.

MODULE 8

I ABSOLVE ALL CHRISTIANS FROM THE BONDS OF THE OATH

Module 8 · elite coordination and the default — a weapon aimed not at a king but at the expectations of the men beneath him, the winter it worked, the winter it did not, and the discovery at Canossa that the instrument was compulsory on its own issuer

What the sentence actually attacked

The most important sentence in this study is one line long and it is not addressed to the man it names.

> *And I absolve all Christians from the bonds of the oath which they have made or shall make to him; and I forbid any one to serve him as king.*

Gregory VII, 22 February 1076. Read it as a piece of engineering.

An eleventh-century kingdom is a structure of oaths. Every man of consequence has sworn to somebody, and the reason he keeps the oath is only partly conscience. It is mostly arithmetic. If he defects and the others do not, he is destroyed by the rest; if he stays loyal and the others defect, he is destroyed with the king. His decision is not about the king at all. **It is a forecast of what the other oath-holders will do**, and the oath's power is that it gives everyone the same obvious answer to that forecast.

The sentence does not attack the king. It attacks the forecast. It tells every man in the kingdom, simultaneously and from a source all of them acknowledge, that the obligation is dissolved — and, crucially, that everyone else has been told the same thing at the same time. **What it destroys is not loyalty but the expectation of others' loyalty**, and once that is gone the arithmetic reverses: the man who stays loyal longest is the man left holding a king nobody else is holding.

That is why it needed no army, and why the men who used it understood it as a weapon rather than a censure.

The winter it worked

In 1076 the arithmetic reversed within months.

Henry had been fighting the Saxons since 1073 and had beaten them in 1075; there was a large body of aggrieved princes who wanted his centralising policies stopped and needed a warrant. The sentence supplied it. Through the summer and autumn support drained away, and in October at Tribur the princes set him a term: obtain absolution by 22 February 1077 — one year to the day from the sentence — or be deposed. They invited Gregory to Augsburg in February to preside over the choice of a successor.

Read that invitation carefully, because it is the whole mechanism made visible. **The princes were not asking the pope to remove a king. They were asking him to be the fixed point at which they could coordinate on a new one.** They could all see that Henry might be replaced; none of them could move first without the others; and a papal council at Augsburg was the device that would let them move together.

The winter it did not

Henry's response is the cleverest political act in this study and it turned the instrument inside out.

He did not go to Augsburg. He crossed the Mont Cenis in the winter, with his wife and a small company, and appeared at Matilda's castle at Canossa in late January 1077, barefoot in wool, as a penitent, and stood outside the gate for three days.

Gregory's own account, written to the German princes on 28 January:

> *...he came at length of his own accord, with a few followers, showing nothing of hostility or boldness, to the town of Canossa where we were tarrying. And there, having laid aside all the belongings of royalty, wretchedly, with bare feet and clad in wool, he continued for three days to stand before the gate of the castle. Nor did he desist from imploring with many tears the aid and consolation of the apostolic mercy until he had moved all of those who were present there... Finally, conquered by the persistency of his compunction and by the constant supplications of all those who were present, we loosed the chain of the anathema...*

Victi tandem — conquered at last. The pope says so himself.

Because a priest may not refuse absolution to a penitent. That is the discovery and it is the module's centre. The instrument Gregory held was not a political weapon that happened to be expressed in religious language; it was a sacramental power, and sacramental powers come with obligations attached that run against the man who holds them. A pope who turned away a barefoot penitent in the snow would not have been keeping his weapon sharp. He would have been demonstrating, before witnesses who were already murmuring about *tyrannica feritas*, that the thing he held was not a

spiritual office at all.

Gregory understood exactly what had happened to him and the letter shows him salvaging what he could. He is careful to record that the absolution restored communion and nothing else: *we are not otherwise bound to the king save that, by word alone as is our custom, we have said that he might have hopes from us*. He tells the princes the question is *so little cleared up* that his coming and their unanimity are extremely necessary. He is telling them, as plainly as he can, that he has not restored Henry's kingdom.

They did not accept it. On 14 March 1077 at Forchheim they elected Rudolf of Rheinfelden king anyway, and they were furious. Their fixed point had absolved the man they had been coordinating against, and had done it without them.

What Henry actually bought

Score the transaction and it is remarkable. Henry gave three days of ritual humiliation, of a kind that had a recognised place in the culture and that his own supporters could describe as piety. He received: the removal of the canonical warrant on which the entire opposition rested; the collapse of the Augsburg assembly, which never met; and the ability to return to Germany and fight a rebel king rather than a righteous coalition.

He forced the author of title to issue, and then used the issue against the author's own allies. The instrument had been compulsory on Gregory and Gregory could not refuse without ceasing to be what made the instrument worth anything.

The consequences run through the rest of the case. Gregory stayed neutral between Henry and Rudolf for three years, which allowed Henry to consolidate. When he finally excommunicated and deposed Henry a second time on 7 March 1080, in almost identical terms, **the sentence did almost nothing.** Rudolf was killed at the Elster in October. The German and north Italian bishops assembled at Brixen in June and elected a rival pope.

Four years, two identical sentences, opposite results.

Why the second sentence failed

Three reasons, and each is a general lesson.

The princes had learned that they were the ones deciding. In 1076 the sentence looked like an event that happened to Henry. By 1080 everyone could see it was an event that happened only if they made it happen, and men who know they are the mechanism stop treating themselves as the audience.

The pope had chosen a side, and choosing is fatal to a fixed point. Between 1077 and 1080 Gregory was a party weighing two candidates. When he finally declared for Rudolf, he was no longer the place where the others could converge; he was one of the contenders' backers, and a man who backs a loser is a man who was wrong.

And a second use of a coordination instrument is not the same act as the first. The first tells everybody something they did not know. The second tells them something they have already priced, and they have had four years to arrange their affairs against it.

A weapon that operates by resetting expectations is spent by use, because each use is itself information about the weapon.

The default

So what was the default state of this order when nobody was enforcing?

Not the disintegration of the kingdom. Germany did not dissolve. What happened instead was that **the princes discovered they were an electorate.**

At Forchheim in 1077 they did not merely choose Rudolf; they extracted from him, on the reports, an acknowledgement that the kingship was not hereditary and that they had chosen him. That claim, once made, was never given back. The German monarchy's slide from a quasi-hereditary Salian possession toward a genuinely elective office, with the princes as the electing body, runs directly out of this decade, and it happened because a papal sentence had twice required the princes to decide whether their king was their king.

The instrument was aimed at a king and it permanently strengthened the men in the middle, because every use of it made them the deciders and the second use taught them that they had been the deciders all along.

Reading the default against the framework

The finding, and it is the most important one this study has to offer. The Islamic case established that an instrument of investiture cannot solve succession, because ratification must follow an accomplished fact. This case establishes a second and sharper limitation on the same class of instrument, and it runs the other way.

An author of title bound by his own doctrine can be compelled to issue.

Gregory could not refuse absolution to a penitent. The rule that made him the fixed point of Christendom — that he held the power of binding and loosing as Peter's successor — carried with it the pastoral obligations of a priest, and one of those is that mercy asked for must be given. Henry located the obligation, satisfied it in public

before witnesses, and extracted the certificate. **The instrument's own conditions of validity were an attack surface**, and the attacker was the man against whom the instrument was aimed.

State it generally: **wherever a source of title operates under rules it cannot suspend without ceasing to be what it is, those rules are available to anyone willing to satisfy them, and the more binding they are the more reliably they can be exploited.** The strength of such an authority and its vulnerability are the same property. A pope who could have refused Henry at Canossa would have been a pope whose absolutions were political favours, and nobody would have needed one.

The Islamic case has no equivalent, and the contrast is exact. A caliph's investiture was discretionary: he could decline, delay, or issue to a rival, and the *imārat al-istīlā'* chapter says the amīr seizes and the caliph *then* invests. Nothing obliged him. **A discretionary instrument can be withheld and is therefore worth buying; a compulsory one can be commanded and is therefore worth performing for.** Both are real sources of title, and they are vulnerable to entirely different attacks — the first to bribery and capture of the issuer, the second to ritual compliance by the target.

And the second finding, on the direction in which such contests redistribute power. Neither claimant won this exchange. The party that gained permanently was the one both claimants were trying to move: the German princes, who entered the 1070s as magnates and left them as an electorate, having twice been told by the highest authority in Christendom that the question of who was king was theirs to answer.

A coordination weapon deployed over the heads of an intermediate class transfers power to that class, whichever principal is holding it, because the weapon works only through their decision and they cannot be made to forget that they made it.

A note on sources.

Gregory VII's first deposition and excommunication of Henry IV, 22 February 1076, and his letter to the German princes of 28 January 1077 describing the events at Canossa, are quoted from Henderson's out-of-copyright translation, together with the oath of Henry appended to that letter.

The Diet of Tribur of October 1076 and the term set for absolution by 22 February 1077, the planned assembly at Augsburg which never met, and the election of Rudolf of Rheinfelden at Forchheim on 14–15 March 1077 are standard. Recent German scholarship — Ernst-Dieter Hehl's study is the most recent full treatment — emphasises that Canossa was understood by its participants as interim rather than definitive and was rendered moot by the Forchheim election; that reading is followed here.

Whether Henry performed a formal canonical penance, and precisely what was agreed, are disputed; the study relies on Gregory's own letter and on the fact of the absolution, and does not adjudicate the ritual details or repeat the later embellishments of the narrative sources.

The second excommunication and deposition of 7 March 1080, the Battle of the Elster and Rudolf's death in October 1080, and the Synod of Brixen of 25 June 1080 are standard.

That the princes at Forchheim asserted the elective character of the kingship is reported in the narrative sources and is the standard account; the study treats the long-run consequence — the hardening of German elective monarchy — as a tendency running out of this decade rather than as an outcome decided in it.

The proposition that an author of title bound by its own doctrine can be compelled to issue, that its conditions of validity constitute an attack surface, and that this distinguishes a compulsory instrument from a discretionary one, is this study's central contribution and is offered to be tested against other cases.

MODULE 9

A CHOICE OF MASSES

Module 9 · plurality or foreclosure — the counterweights that existed because two authorities each needed allies, the one competence the reform handed downward, and what it cost the men who used it

Plurality by accident of war

The counterweights in this order were not designed and were not conceded. **They exist because two authorities were competing for the same allies and had to bid.**

That is a different generator from the one the Islamic case produced. There, the durable protections arose from the technical form of institutions — a personal licence, a private-law endowment — and nobody had authored them. Here they arose from a market: for fifty years, any body with something either side needed could sell its adherence, and could keep what it was paid.

Run the list and every item on it is a purchase.

The German princes were courted by both. Gregory needed them to act on his sentences; Henry needed them not to. What they extracted, over three decades, was the acknowledgement that the kingship was theirs to confer — a claim made at Forchheim in 1077 and never surrendered afterwards.

The Normans of southern Italy were courted by the papacy from 1059, and what they extracted was a title to lands they had simply taken, sworn as fealty and therefore lawful. Robert Guiscard became duke of Apulia and Calabria and prospective duke of a Sicily he had not yet conquered.

The Italian cities were courted by both and discovered, in this half-century, that they were parties. Milan under the Patarenes, Pisa, Lucca, Cremona: communal institutions in Lombardy consolidate in exactly these decades, in a region where the emperor was distant and the pope needed friends. The Lombard League of the next century is standing on ground cleared here.

The monasteries were courted by Rome and sold their adherence for exemption — the removal of a house from its local bishop's jurisdiction and its placement directly under Rome, for a census. That is a straightforwardly commercial transaction and it produced, over two centuries, a network of great houses answerable to nobody in their

own country.

Matilda of Tuscany was not courted; she was a principal. But her position — a woman holding the Apennine passes, choosing a side and holding it for forty years — was available to her because there were two sides.

The competence given downward

And then the thing that has no Islamic parallel at all.

The reform, needing enforcement it could not supply, instructed the laity to refuse the sacraments of married and simoniac priests. **It thereby told the illiterate poor of Europe that they were competent to judge the validity of a clerical act, and that their salvation depended on judging correctly.**

Every other protection listed above was available only to men who already had something: soldiers, castles, a charter, a corporation, a treasury. This one required nothing. A peasant could exercise it by standing up and leaving.

The Milanese Patarenes are what it looks like at full strength. From the 1050s a movement of artisans, small traders and lower clergy in the greatest city of Lombardy refused the ministrations of the archdiocesan clergy, denounced them in the streets, and by the 1070s had a militia under Erlembald carrying a banner sent from Rome. They were not a papal creation — they had their own grievances against a patrician church — but they were licensed, and the licence is what made them a movement rather than a riot.

It should also be said what happened to them. Erlembald was killed in street fighting in 1075. The movement was broken. And the doctrine that had licensed it was quietly moderated in the following century, because a laity entitled to assess the validity of sacraments is a laity that can decide the church itself has failed — which is exactly what the twelfth century's heretical movements would decide, using the reform's own criterion.

The reform handed the poor an instrument, the poor used it, and the reform spent the next two hundred years burning the people who kept using it.

What a man with a grievance could do

Grade the recourse available, as in the Islamic case, because a single answer would be a lie.

A bishop could change sides, and did — repeatedly and in both directions, as the fortunes of the two courts moved. That is a real and considerable liberty and it existed

because there were two courts.

A monastery could buy exemption, and thereby acquire a permanent immunity from the nearest power that could harm it, at a fixed annual price.

A city could declare for a side and extract privileges, and in Lombardy could use the confusion to build institutions of self-government that neither authority had granted.

A prince could elect a rival king.

A layman could refuse a mass. And that is where the list stops, because it is the last item that requires no property, no charter and no arms.

Beneath it there is nothing. The peasants of Saxony over whose fields the armies moved for thirty years had no instrument at all except flight, and the peasants of the Roman *contado* whose city was sacked by the pope's own allies in 1084 had none either.

The foreclosure

And the ending has to be entered honestly, because the plurality of this period was a wartime condition and wars end.

The Concordat of Worms closed the market. After 1122 there was one pope, one emperor, one procedure for making a bishop, and the bidding stopped. What each party had bought in the meantime it largely kept — the princes kept their claim, the Normans kept their duchy, the monasteries kept their exemptions, the cities kept their institutions — but no new concessions were on offer, because there was no longer a rival buyer.

The counterweights of this period are the residue of a competition, and they survived because they had been converted into charters, oaths, customs and institutions before the competition ended. That is the general lesson and it is a hard one: liberties won in a contest between two authorities are secure only to the extent that they were written down and institutionalised while both authorities still needed them.

The papacy that emerged from the contest was a monarchy — the most centralised authority in Europe, with a court of appeal for all Christendom, a body of law, a bureaucracy, and a doctrine that it alone could depose bishops. It had won by building exactly the machinery a competitor needs, and the machinery did not disassemble afterwards.

Reading liberty against the framework

The first finding, and it is a different generator from the Islamic one. There, the durable counterweights arose from the technical form of institutions and had no author. Here they arose from **competitive bidding between two authorities for the adherence of third parties**, which is a mechanism this collection should name because it is common and it has a distinctive signature.

Its signature is that the concessions are *asymmetric across the population*: they go to whoever has something the bidders want. Princes, cities, monasteries and mercenaries have; peasants do not. **A liberty market prices adherence, and adherence is only worth buying from parties who could plausibly withhold it.**

And its second signature is that the liberties are *dated*. They begin when the competition begins and stop when it ends, and everything obtained afterwards must be extracted rather than bought. That is a testable prediction about any settlement that ends a schism: expect a burst of chartered privilege during the contest and a hard stop at the peace.

The second finding, on the one instrument that reached the bottom. The reform gave the laity a competence — the entitlement to judge a clerical act — and it did so not out of generosity but because it needed enforcement it could not supply. It is the only protection in this module available to a person with no property.

An authority that mobilises the governed against its own subordinates confers a capability on the governed, and the capability is not revocable. The instruction was disciplinary and specific: refuse an unworthy priest's mass. The competence it created was general: the laity may assess whether a clerical act is valid. The reform could and did withdraw the instruction. It could not withdraw the competence, because a competence is not a grant — it is a thing people have learned they can do — and the twelfth and thirteenth centuries were spent discovering the cost.

Which yields the harder version of the Islamic case's finding. There, the most durable protections were the ones nobody had authored. Here the most durable is one that was authored, for a narrow purpose, and escaped. **The distinction that matters is not whether a liberty was granted but whether its exercise depends on the grantor's continuing permission** — and a capability, once demonstrated, does not.

A note on sources.

The Norman investiture at Melfi in 1059 and Robert Guiscard's oath are standard, as is the prospective grant of Sicily before its conquest. The Forchheim election of 1077 and the princes' assertion of elective kingship are treated in Module 8.

The Patarene movement of Milan, its social composition as reported in the sources, Erlembald's papal banner and his death in 1075 are standard; the characterisation of the movement as having its own grievances rather than being a papal creation follows the modern scholarship.

Monastic exemption in exchange for a census payable to Rome, and its expansion during this period, is standard. The consolidation of communal institutions in Lombardy in the later eleventh century is likewise standard; the study treats the connection between the contest and that consolidation as a contributing condition rather than as a demonstrated cause, since the communal movement has independent origins.

The prohibitions on hearing the masses of married and simoniac clergy are treated in Module 4. The subsequent moderation of that doctrine, and its reappearance in the heretical movements of the twelfth and thirteenth centuries, is the standard scholarly account and is reported rather than argued; no specific movement is analysed here.

The two propositions offered in the closing section — that competitive bidding between authorities produces liberties which are asymmetric across the population and dated to the contest, and that a capability conferred on the governed cannot be revoked as a grant can — are this study's.

MODULE 10

HIS BONES IN THE TIBER

Module 10 · change and collapse — a pope dead in exile among his own mercenaries, an antipope venerated as a saint, the invention of an army out of nothing, and a settlement reached forty years after both principals were dead

The year everything happened

1084 contains the whole arc.

On 21 March Henry IV finally entered Rome, at the fourth attempt and nine years after the quarrel began. On 24 March Guibert of Ravenna was enthroned at the Lateran as Clement III. On 31 March Clement crowned Henry emperor at St Peter's, while Gregory VII sat besieged in the Castel Sant'Angelo a few hundred yards away.

Then Robert Guiscard came north with the Normans, and Henry and Clement left rather than fight him. Gregory was freed. And the relief force sacked the city so thoroughly that the Romans — who had been substantially Clementine anyway — turned on the pope whose allies had done it. Gregory could not stay. He went to Monte Cassino and then to Salerno, in Norman territory, where he died on 25 May 1085.

The most formidable pope of the Middle Ages ended his pontificate expelled from Rome by the population, kept alive by mercenaries, in a town belonging to a warlord he had made a duke. He had been right about the mechanism and had used it until it broke in his hands.

The antipope who did not go away

Clement III is treated in most accounts as an appendage of Henry's armies, and the treatment is wrong.

He reigned for twenty years, from the Brixen election of 25 June 1080 to his death at Civita Castellana on 8 September 1100, against four successive Roman claimants — Gregory VII, Victor III, Urban II and Paschal II. He held a substantial following in Rome, especially in the first half of that period; he retained his archbishopric of Ravenna and a base in northern Italy; he held synods, appointed men, and issued

documents. There were moments when the Roman claimant was the one in difficulty: Urban II spent periods unable to enter the Lateran, sheltering in the fortified house of the Pierleoni on the Tiber island, dependent on charity.

He was not a puppet by temperament either. He had been imperial chancellor for Italy from 1058, had attended the reforming synod at Sutri in 1059 that condemned an earlier antipope, and had been a driving force behind another — Cadalus of Parma, Honorius II, in 1061. The Catholic reference literature's own judgement is that he was an independent thinker more opposed to Hildebrand than to reform.

He is the manufactured author who nearly took, and what happened after his death is the most telling episode in the case.

He was venerated locally as a worker of miracles. And Paschal II had his remains exhumed and thrown into the Tiber.

Consider what that act concedes. **You do not need to destroy a fraud's body.** A pretender whose pretension is visible dies and is forgotten. A man whose tomb is producing miracles has acquired the one credential nobody can manufacture on demand and no authority can revoke — and the only available response is to remove the object. The exhumation is a confession that the manufacture had, in the eyes of a good many people, taken.

Urban's answer

Meanwhile the Roman line did something with no precedent, and it is the resolution of the problem Module 1 identified.

The papacy had no army and could not have one, since acquiring one would convert it into a claimant. Urban II, at Clermont in November 1095, found the way around the constraint. He did not raise an army. **He declared an occasion, offered a spiritual reward, and let other men's armies assemble themselves.**

The mechanism is the same one as excommunication, run in reverse. Excommunication dissolves obligations by telling everyone at once; the crusade indulgence creates an obligation by telling everyone at once. Neither requires a soldier of the pope's own. Both work by changing what a large number of armed men expect each other to do.

And it solved a domestic problem at the same time, in exactly the way the Islamic case's westward Turkmen migration did: it took a surplus of violent men with no lawful outlet and pointed them away from Europe. The parallel should not be pushed — the Turkmen were pushed by pasture and the crusaders were pulled by preaching — but the structural function is the same, and in both cases the ruler took credit for a

movement larger than his intention.

Within ten years of Gregory dying in exile among mercenaries, his successor had found how to mobilise Christendom militarily without owning a single soldier. That is the papacy solving the problem of the missing floor, and it is why the twelfth-century papacy is a European power and the eleventh-century papacy was a besieged household.

The disaster of 1111 and the settlement of 1122

The contest ground on after both principals were dead. Henry IV was deposed by his own son in 1105 and died in 1106 excommunicate, unburied for five years. Clement III's line continued in a thin succession of imperial antipopes — Theodoric, Albert, Sylvester IV — none of whom mattered.

In 1111 Paschal II and Henry V agreed the logically pure solution at Sutri: the church would surrender the regalia entirely and the crown would renounce investiture. It collapsed in St Peter's within an hour when the German bishops refused to give up their lands. Henry V seized the pope and the cardinals and held them for two months until Paschal conceded investiture, a concession he spent the rest of his life repudiating.

And then, on 23 September 1122, at Worms, the thing was settled by a change of object. The emperor gave up the ring and the staff. The bishops would be elected canonically, in his presence, with his adjudication of disputes, and would receive the regalia from him by the lance.

Forty-seven years after the first decree against lay investiture. Thirty-seven years after Gregory died at Salerno. Twenty-two years after Clement III's bones went into the river.

Who ended it, and how

Set out the agents, as the Islamic study did, and the pattern is again instructive.

The German princes, who discovered they were an electorate and used it, deposing Henry IV through his son and forcing both Henry V and the papacy toward terms.

The German bishops, who wrecked the pure solution of 1111 because it would have cost them their counties, and who were the party neither principal could dispense with.

The Italian cities and the Normans, who had been bought and could not be un-bought.

The canonists, and this is the one usually left out. Ivo of Chartres's distinction between what is immutable in the church's law and what may be dispensed supplied

the intellectual instrument by which a bishopric could be described as two things. **The war ended when somebody produced a distinction that let both parties keep what they needed** — and the man who produced it was a lawyer.

Not one of those is the ruled. The peasants of Saxony and Lombardy, over whose land it was fought, appear in the record of the settlement not at all.

Reading the collapse against the framework

The finding, and it completes the arc this study began. The papacy's problem throughout was that its authority depended on standing outside the fighting, and its survival depended on somebody fighting for it. Gregory resolved the contradiction in the ordinary way — he hired an army — and it destroyed him: the Normans saved his life, sacked his city, turned the population against him and left him to die in their territory.

Urban resolved it differently, and the difference is the finding. **He did not acquire a floor; he acquired the power to license one that assembled itself.** By declaring an occasion and attaching a spiritual reward, he obtained the military effect of an army without acquiring the political character of an armed party, because the soldiers were not his, were not paid by him, and dispersed afterwards.

State it generally: **an authority whose value depends on being no party to any quarrel can obtain force only by licensing it, never by owning it — and the two are distinguishable in practice by whether the force disperses when the occasion ends.** A standing army makes its holder a party. A licensed mobilisation does not, because there is nobody to point at afterwards.

And the second finding, from the bones in the Tiber. A manufactured source of title fails when the manufacture is visible — that is the proposition this study carried in. Clement III shows the limiting case: the manufacture was entirely visible, everyone knew a synod of the king's bishops had elected him at the king's order, and after twenty years he was producing miracles at his tomb.

A constructed authority can outrun the visibility of its construction if it is occupied long enough and performed well enough, because the audience that matters is not the one that watched the making but the one born afterwards. Twenty years was not enough here — Paschal reached the body in time. Six hundred years was enough for the Donation of Constantine. **The vulnerability of a manufactured authority is not permanent; it is a race between the memory of the making and the accumulation of the performance**, and the rival's correct move is therefore to act early and physically, which is precisely what Paschal did.

A note on sources.

The sequence of 1084 — Henry's entry on 21 March, Guibert's enthronement on 24 March, the imperial coronation on 31 March, Gregory besieged in the Castel Sant'Angelo, the Norman relief and sack, Gregory's withdrawal and death at Salerno on 25 May 1085 — follows the standard accounts and is set out with its sources in Module 1.

Clement III's pontificate from 25 June 1080 to 8 September 1100, his opposition to four successive Roman claimants, his substantial Roman following in the earlier part of that period, his retention of Ravenna, his local veneration as a miracle-worker after death and the exhumation and disposal of his remains in the Tiber are as reported in the reference literature; Jürgen Ziese's monograph is the standard treatment. Urban II's periods of difficulty in Rome and his shelter with the Pierleoni are reported in the *Liber Pontificalis* tradition.

Urban II's proclamation at Clermont in November 1095 is standard. The reading of the crusade indulgence as the inverse mechanism to excommunication, and as the papacy's solution to the problem of acquiring force without becoming an armed party, is this study's. The comparison with the westward movement of the Turkmen in the preceding study is offered as a structural parallel and is explicitly qualified in the text.

Henry IV's deposition by Henry V in 1105, his death in 1106 and the delay of his burial are standard, as are the negotiations and seizure of 1111 and the Concordat of 1122. Ivo of Chartres's distinction between the immutable and the dispensable, and its role in making the Concordat's formula thinkable, is the received scholarly account and is reported rather than argued.

The proposition that licensed force and owned force are distinguishable by whether the force disperses at the end of the occasion, and the proposition that a manufactured authority's vulnerability is a race between memory of the making and accumulation of performance, are this study's.

MODULE 11

THE CITY THEY CAME TO SAVE

Module 11 · the grim accounting — two columns that do not net, a war whose costs were paid almost entirely by people with no part in the question, and a record written by the winners of an argument about writing

The first column

Set down what came out of it, at the fullest valuation its defenders would give.

A church that could not be bought. After 1122 a bishopric in the Latin west was not, in law or in the ordinary case in practice, a piece of royal property to be given to a chaplain. Election belonged to the chapter; consecration belonged to the church; the emperor conferred the temporalities and kept a large influence and no longer held the office in his gift. Whatever one thinks of the church that resulted, the alternative was the absorption of the whole clerical order into the lay property system, and that alternative was well advanced when the reform began.

The distinction itself. Spiritual authority and temporal authority, conceived as two things with different jurisdictions, different instruments and different personnel. It was invented as a compromise formula in a property dispute. It became one of the load-bearing ideas of European political thought, and there is a straight line from *regalia* at Worms to every subsequent argument about what is Caesar's.

Canon law. A systematically arranged body of authoritative texts, with a technique for reconciling contradictions, produced by men who had been forced to argue in public from sources. Gratian's *Decretum* around 1140 is the direct descendant; the law faculties, and behind them the universities, follow.

A career open to talent. By 1122 an able man of no birth could rise through a celibate, literate, internationally mobile order whose promotions ran through Rome and not through his father's lord.

And the argument that a ruler may be judged. Manegold of Lautenbach's hired swineherd, written in 1085 to justify a papal deposition, is the ancestor of a great deal. Once it has been said in public, by a respectable authority, that a king who breaks the terms on which he was raised may be dismissed, the proposition is in the language permanently and is available to people the man who wrote it would have detested.

The second column

Now the other side, entered in the same voice.

Germany, 1077 to 1106. Thirty years of intermittent civil war between a king and successive anti-kings, fought across Saxony, Swabia, Bavaria and the Rhineland, with armies living off the country and the ordinary consequences. No figures survive that are worth quoting.

Rome, May 1084. The city sacked by the Norman force that had come to rescue the pope, so comprehensively that the Roman population drove out the man they had rescued. Whole districts were burned. This is the single worst physical destruction of the period and it was done by the papal side.

The clergy's families. Priests' wives of twenty years redescribed as concubines, their children as bastards, and both put away — enforced by synods and, where the reform had popular purchase, by crowds. There is no ledger entry adequate to this and the study will not manufacture one.

Milan. Two decades of street violence between Patarenes and the archdiocesan party, culminating in Erlembald's death in 1075, in a great city whose ordinary trade and life were the ground it was fought over.

The bishops in the middle, whose position Module 5 examined: men who could be ruined by either authority and protected by neither, and a good many of whom were.

And the crusade, which is not usually counted against this ledger and belongs in it. The instrument Urban II invented to solve the papacy's problem of force sent armies east in 1096, and the first thing several of them did was massacre the Jewish communities of the Rhineland — Speyer, Worms, Mainz, Cologne — on their way. That was not the intention and it was the consequence, and it followed directly from a mechanism that mobilised armed men by telling them they were doing God's work and did not command them afterwards.

Why the record leans

One structural observation before any weighing, and it is sharper here than in the Islamic case.

This was a war fought in writing, between the two parties in Europe who could write. Every surviving account of it was produced by a cleric, on one side or the other, trained in the techniques the war itself had generated, arguing a case. The *Libelli de lite* run to several volumes; the registers survive; the canonical collections survive; the

polemic survives.

What does not survive is any statement from a peasant in Saxony, a burned-out householder in Rome, a priest's wife, or a Jewish community in Mainz that was not written by somebody with an argument to make. The one substantial body of testimony from outside the clerical debate — the Hebrew chronicles of the Rhineland massacres — comes from the victims and is treated by historians with the care such testimony requires, which is to say it is discounted in a way the clerical sources are not.

So the record of this period is not merely biased toward the literate, as every medieval record is. **It is biased toward the two parties whose quarrel it was, both of whom regarded the writing of the record as a phase of the fighting.** The achievements in the first column are the things those parties built and described; the costs in the second are things they mentioned in passing, if at all, on the way to a point.

And they do not net

The reform's defenders can say, accurately, that the church they saved from absorption went on to produce the law, the universities and the idea of a limit on secular power. Its critics can say, accurately, that it destroyed a functioning arrangement, wrecked a kingdom for a generation, burned Rome, broke thousands of families and invented an instrument that killed Jews in Mainz within a year of its first use.

Both are true, and — this is the point the Islamic study reached from a different direction — **they are not two independent items to be weighed but one arrangement seen from two ends.**

The canon law that became a discipline was assembled as ammunition. The public political argument that became a European habit was invented because a party with no army had to persuade. The distinction between spiritual and temporal was a formula for ending a property dispute. The crusade was the papacy's solution to having no soldiers. Every item in the first column is the residue of a means adopted for the second column's fighting. **The achievements are what the war made, not what it interrupted.**

Reading the accounting against the framework

The finding, which sharpens what the Islamic case produced. There, the record was biased toward the classes that recorded in durable materials. Here the bias has an additional and stronger component: **the surviving record was produced by the combatants, as a weapon, in a war whose principal medium was text.**

That is a distinct condition and it should be flagged wherever it recurs. In an ordinary conflict, writing is incidental to the fighting and the sources are biased by who could write. In a conflict of legitimacy conducted through persuasion, **writing is the fighting**, and the sources are biased not by literacy but by belligerence. Every document is an act of war, including the ones that look like chronicle, and the historian is reading a battlefield rather than a report of one.

The correct discipline is not to discount the sources — there are no others — but to read them as what they are, and to record the shape of the silence. This study has therefore given no casualty figures for the German wars, no numbers for the sack of Rome, no estimate of clergy displaced by the continence decrees and no count of the Rhineland dead, because the material supports none, and has said so in every module rather than filling the gaps with plausible arithmetic.

And the second finding, on how to enter an achievement produced by a conflict. The instinct is to treat the canon law, the universities and the doctrine of two powers as things that emerged despite the violence, and to weigh them against it. That framing is wrong and it flatters everybody. **They emerged from the requirements of the violence** — from the need to argue at a distance, to cite authorities, to reconcile contradictions, to find a formula that let two enemies stop. A party with an army does not need to invent jurisprudence.

Which yields the uncomfortable general statement: **the intellectual achievements of a legitimacy war are the war's equipment, and cannot be credited to it as though they were an unrelated benefit that happened alongside.** They were manufactured to be used, they were used, and they outlived the use. That is a real thing to have made. It is not an offset.

A note on sources.

No figures are given in this module for casualties, destruction or displacement, because the eleventh- and twelfth-century sources supply none that can be relied upon. That absence is recorded rather than filled.

The Norman sack of Rome in May 1084 and the consequent turning of the Roman population against Gregory VII are treated with their sources in Modules 1 and 10. The German civil wars from 1077, the Patarene violence in Milan and Erlembald's death in 1075, and the enforcement of the continence decrees are treated in Modules 4, 5 and 9.

The massacres of Jewish communities in the Rhineland in 1096, at Speyer, Worms, Mainz and Cologne, by forces associated with the First Crusade, are standard; that they were contrary to the intentions of the crusade's proclaimers and were opposed by several bishops is likewise standard. The Hebrew chronicles of these events are the

principal non-clerical body of testimony from the period and their evidentiary status is debated; the study relies on the fact of the massacres and offers no figures.

Manegold of Lautenbach's argument is treated in Module 7. Gratian's *Decretum* is conventionally dated to about 1140.

The observation that in a conflict of legitimacy the writing is itself the fighting, and that the resulting source bias is one of belligerence rather than merely of literacy, is this study's, as is the argument that the period's intellectual achievements are the equipment of the conflict rather than an offset against its costs.

MODULE 12

THE CERTIFICATE AND THE LICENCE

Module 12 · convergence and divergence — the same problem solved twice in one generation at opposite ends of the Mediterranean, why one solution produced a war and the other produced no war at all, and the strongest case for the reform, stated fully and answered

Two solutions, one generation

Gregory VII was pope from 1073 to 1085. Nizām al-Mulk was vizier of the Seljuk empire from 1064 to 1092. The two men were contemporaries in the exact sense, and both spent their careers on the same problem.

The problem is this. A ruler holds force. Force alone cannot make obedience owed, only compelled. Somewhere in the order there must be a party who can declare that obedience *is* owed — and that party's declaration is worth having only if the ruler could not have produced it himself. So every order of any size contains an office of authorisation which the strongest man in it must not be able to occupy.

Both civilisations had such an office and both had let it be captured. The Abbasid caliph was the possession of whichever Turkish or Daylamite general held Baghdad, on a stipend that could be cut, having been blinded twice in living memory. The Roman see was the possession of the German emperor, who had deposed three popes at Sutri in 1046 and appointed the next four.

Both then produced, within a generation, a movement to break the capture. In Baghdad it took the form of a caliph spending forty years defining a creed, requiring subscription to it, denouncing his rival's genealogy, and having his chief judge write down the terms on which a man who had seized a country by force could be made lawful. In Rome it took the form of an election decree, an attack on simony, and the doctrine that lay investiture is itself a purchase of the Holy Spirit.

And then the two cases diverge completely, and the divergence has one cause.

Where the credential lived

In the Islamic world, the authority of a scholar came from a licence — the *ijāzat al-tadrīs wa'l-iftā'* — granted by one named master to one named student, on no formal criteria, by a man nobody could compel. No institution issued it. No state validated it. Its authority came from the granting master's own standing in a chain of named individuals running back through the generations.

In the Latin west, the authority of a priest came from ordination performed by a bishop, and of a bishop from consecration performed by bishops, in a hierarchy the reform was busy establishing ran ultimately through Rome. It was conferred by an office, by a procedure, and — the *Dictatus* says it explicitly — canonical ordination *makes* the man holy.

From that single difference everything else follows.

Why there was a war here and none there. Nizām al-Mulk spent a fortune on colleges and bought the buildings, the chairs, the stipends, the syllabus and the prestige of the Islamic interpretive class. He never acquired its certification, because there was nothing to acquire — no office issued the licence, so no office could be seized. The result was patronage without ownership, and no investiture controversy, not because the question was resolved but because there was no prize. Here there was a prize. Whoever controlled the making of bishops controlled the church, and both parties could see it, and they fought for fifty years.

Why the Latin church has a centre and the *'ulamā'* do not. A chain of ordinations has a top. A network of personal licences does not. The papal monarchy is what an institutional credential looks like when somebody works out its implications.

Why the Latin church could later be captured by states and the *'ulamā'* never were. In the sixteenth century, in the countries where it happened, princes took the apparatus — the appointments, the courts, the endowments, the hierarchy — because there was an apparatus to take. No ruler in the Islamic world ever did the equivalent, because a licence that lives in persons cannot be nationalised.

And why the Latin church could speak with one voice and the *'ulamā'* could not. Both properties are the same property. An institution that can be captured is an institution that can act.

Two kinds of instrument

The second divergence is subtler and it is Module 8's finding.

The caliph's investiture was **discretionary**. He could grant, delay, decline, or issue to a rival. The chapter of al-Māwardī that made the arrangement lawful has the amīr

seize by force and the caliph *then* invest him; nothing in the doctrine obliged the caliph to do anything. A discretionary instrument can be withheld, and therefore it is worth buying — which is why the Seljuks spent twenty-five years, a war and a hundred thousand dinars obtaining it, and why the sultans' whole strategy toward the caliphate was to control the man while conspicuously never touching the office.

The pope's absolution was **compulsory**. A priest may not refuse absolution to a penitent. Gregory said so himself at Canossa — *conquered at last by the persistency of his compunction* — and the letter is the most revealing document in the case, because it is the holder of the instrument explaining to his allies that he was made to use it against them.

A discretionary source of title is attacked by capturing or buying its issuer. A compulsory one is attacked by satisfying its conditions. Henry IV, who could not have bribed Gregory and could not reach him with an army, stood barefoot in the snow for three days and obtained by ritual compliance exactly what the sultans obtained with gold. Both are real methods and both worked, and neither would have worked on the other instrument.

That is the sharpest single thing these two studies together have produced, and it is offered as a general test: **ask whether the authorising act is one the issuer may refuse.** If yes, expect the issuer to be courted, married into, subsidised and physically controlled. If no, expect the issuer's own rules to be studied by his enemies for the conditions under which he must perform.

The strongest case for the reform

Stated as its best advocate would state it.

You have written a study about a war. Consider what it was fought against, and what it produced.

In 1046 there were three men claiming to be pope, one of whom had bought the office from another. The emperor came south and removed all three and appointed a German, and then three more. Across Europe, bishoprics were sold, benefices descended from father to son, and the church's lands and offices were passing steadily into the hands of the families that held them. Another century of that and there would have been no church distinct from the lay aristocracy at all — merely a set of religious properties administered by the younger sons of the men who owned them.

The reform stopped it. It established that a spiritual office is not a piece of property, that it cannot be bought and cannot be inherited, and that the men who hold it answer to a jurisdiction other than the one that owns the land they stand on. In doing so it created the first institution in European history that was genuinely independent of the prince —

and every subsequent limit on secular power in the West stands on that precedent. It produced canon law, and behind it the university. It produced the idea that a ruler may be judged. It opened careers to men without birth. And it did all of this from a position of total military weakness, against the strongest monarchy in Europe, and won.

Measure it against what would have happened otherwise, not against a standard nobody has ever met.

The answer

Each part of that requires its own answer rather than a general one.

The absorption was real and the reform did stop it. That should be conceded without qualification. It is the strongest thing in the case and no honest accounting diminishes it.

But the reform did not create the independence it is credited with; it created a competition, and the independence is the residue. The counterweights this period produced — the princes' claim to elect, the cities' institutions, the monasteries' exemptions, the Normans' duchy — were bought during a bidding war and stopped being available when the bidding stopped in 1122. What emerged was not a plural order but a second monarchy, more centralised than the one it had fought, with a court of appeal for all Christendom and a doctrine that it alone could depose bishops.

The intellectual achievements are the war's equipment, not its dividend. Canon law was assembled as ammunition. Public political argument was invented because a party with no army had to persuade. These are real things and they outlived their use; they are not an offset against the costs, because they were manufactured by the same process that produced the costs.

And the claim to have won from military weakness needs its own correction. The papacy did not remain militarily weak. Gregory hired Normans and they cost him Rome and his pontificate. Urban invented a mechanism for mobilising armies without owning them, and within a year of its first use it had killed the Jewish communities of the Rhineland. **The reform's answer to having no floor was to license other men's**, which is cleverer than owning one and is not the same as remaining unarmed.

Now the concession, which should be the last thing said.

The reform's central proposition was correct, and the study has spent twelve modules confirming it from the other side. **An office of authorisation filled by the party it authorises conveys nothing.** Humbert and Hildebrand saw that before anyone had a vocabulary for it, and they were right — right in a way that the Buyids and the Seljuks, who kept a caliph in custody for two hundred years and never noticed the problem, were not.

But the same twelve modules have shown what the correct proposition cost to act on, and the cost was not incidental. **An authority that must be no party to any quarrel cannot defend itself, and everything it does to become defensible destroys a little of what makes it worth defending.** Gregory understood the principle better than any man of his century and died in exile among mercenaries in a town belonging to a warlord he had ennobled, driven out of Rome by Romans, having been forced by his own doctrine to absolve the man he was trying to destroy.

The Seljuks never took the office they could have taken on any morning, because taking it would have evaporated it. Gregory took hold of his own office as firmly as any man ever has, and found that holding it firmly was the same act as spending it.

The two cases are one finding seen from either side: the instrument works only while nobody is using it hard. The sultans left it alone and it lasted. The reformers used it to the limit and it changed shape in their hands — into a monarchy, an army of volunteers, a body of law and a bureaucracy, all of which were needed to win and none of which the original proposition had asked for. What survived was not the thing they set out to protect. It was the thing they had to build in order to protect it, and it protected itself very well for four hundred years, which is longer than most of what men make.

A note on sources.

The comparison drawn in this module rests on the preceding study in this series, *The Seljuks and the Abbasid Caliphate*, and on the evidence set out in its modules; where facts about the Islamic case are stated here without citation they are documented there. The dates of Gregory VII's pontificate (1073–85) and Nizām al-Mulk's vizierate (1064–92) are secure.

The contrast between the personal *ijāza* and institutional ordination follows George Makdisi's account of the former and the standard account of the latter, and is set out with its sources in Module 4. The proposition that this difference explains the presence of an investiture controversy in one civilisation and its absence in the other is this study's, and is offered as a proposition to be tested rather than as an established finding.

The distinction between discretionary and compulsory instruments of authorisation is this study's central comparative contribution. Its Islamic side rests on al-Māwardī's chapter on the *imārat al-istīlā'*, quoted in the preceding study; its Latin side rests on Gregory VII's own letter of 28 January 1077, quoted in Module 8, in which he states that he was conquered at last by the persistency of Henry's compunction.

A structural parallel between a papal consecration and a caliphal investiture should not be pressed into an identity: the two are different instruments, one a sacrament performed once upon a person and the other closer to a subscription renewed weekly in the sermon, and they decay differently and are vulnerable to different attacks. That caution is carried from the companion study of Rollo and Tughril in this series and is repeated here.

The counter-position in this module is composed, not quoted. It is an attempt to state the case for the reform as its best advocate would state it, drawing on claims that appear across the historiography rather than on any single author, and it is answered point by point rather than dismissed.

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